

**Orders by the  
Lieutenant-Governor of Bengal.**

No. 182.

**APPOINTMENTS.**—*The 30th August 1859.*—Mr. G. C. Chapman, Deputy Magistrate and Deputy Collector, to the charge of the Sub-Division of Nattore, and to exercise the full powers of a Magistrate in Rajshahye.

Mr. A. Anderson to be Sub-Deputy Opium Agent of Futtehpore.

**LEAVE OF ABSENCE.**—*The 29th August 1859.*—Baboo Baneenauth Bose, Sudder Ameen and Sudder Moonsiff of Nuddea, during the ensuing Dusserah Vacation, under Clause 2, Section VII. of the Uncovenanted Absentee Rules.

Mr. F. Gouldsbury, Commissioner of Rajshahye, for one month, under Section XII. of the new revised Absentee Rules, retaining charge of his Office.

Lieutenant D. W. Dundas, Adjutant of the 5th Bengal Police Battalion, for two months from the 1st November next, under Clause 1, Section VII. of the Uncovenanted Absentee Rules.

Mr. H. Davies, Deputy Magistrate and Deputy Collector of Behar, for three months, under Clause 1, Section VII. of the Uncovenanted Absentee Rules.

**NOTIFICATION.**—*The 29th August 1859.*—The leave of absence, for the Mohurram Vacation, granted on the 30th ultimo to Baboo Kali Kinker Roy, Additional Principal Sudder Ameen of Myensing, is cancelled at his request.

E. H. LUSHINGTON,  
*Offg. Secy. to the Govt. of Bengal.*

**Orders by the Lieutenant-Governor,  
North-Western Provinces.**

JUDICIAL DEPARTMENT.

No. 2718.

*The 19th August 1859.*

**Notifications.**—The services of Mr. C. E. Chapman, Joint Magistrate and Deputy Collector, 2nd Grade, in Zillah Bijnour, are placed at the disposal of the Government of India, in the Financial Department.

No. 3426.

Captain A. S. Allen, 34th Native Infantry, to perform the duties of Cantonment Joint Magistrate of Allahabad, in addition to his duties of

Pension Pay-Master, during the absence of Lieutenant Glubb.

No. 3436.

*The 20th August 1859.*

Doctor DeBoissiere, Assistant Surgeon H. M.'s 48th Foot, to have charge of the Civil duties of the Station of Orai, from the 16th April 1859.

No. 3440.

Leave is granted to Mr. A. C. Lyall, Assistant to the Magistrate and Collector of Shajehanpore, for two months, under Section XII. of the Absentee Rules, from the date upon which he may avail himself of the same.

Mr. E. Waterfield, Assistant to the Magistrate and Collector of Budaon, is vested with the full powers of a Joint Magistrate and Deputy Collector, and posted to the District of Shajehanpore.

No. 3471.

*The 22nd August 1859.*

Mr. Fuller, Tehseeldar of Mote, is appointed to be a Deputy Magistrate, under Act XV. of 1843, and is vested with the powers of an Assistant Magistrate, under Section XX. Regulation IX. of 1807.

No. 3524.

*The 24th August 1859.*

Leave is granted to Mr. R. H. Clifford, Joint Magistrate and Deputy Collector of Muttra, for three months, under Section XII. of the Absentee Rules, from the 15th instant.

No. 3533.

*The 25th August 1859.*

Assistant Apothecary T. A. D'Syva assumed charge of the Civil Medical duties of Hoshungabad, on the 18th July 1859, and was relieved on the 31st idem, by Assistant Surgeon Roberts, who was appointed Officiating Civil Assistant Surgeon of Hoshungabad, during the absence of Assistant Surgeon Beamen.

No. 3569.

*The 26th August 1859.*

Mr. F. F. Hogg to officiate as Magistrate and Collector of Moradabad, during the absence of Mr. J. Strachey, or until further orders.

Mr. B. F. Hall, Joint Magistrate and Deputy Collector of the 2nd Grade, is transferred to the District of Bijnour.

GENERAL DEPARTMENT.

No. 1457.

*The 22nd August 1859.*

The under-mentioned gentlemen to be Members of the Dispensary Committee at Orai in the Jaloun District :—

The Deputy Commissioner.  
The Assistant Commissioner.  
Mr. Passanah, Deputy Magistrate.  
The Civil Surgeon, Member and Secretary.

No. 1462.

*The 23rd August 1859.*

The under-mentioned gentlemen are appointed to be Members of the Dispensary Committees, at the Station opposite their names :—

The Opium Agent at Gazeepoor,  
and  
The Judge of Mirzapoor.

No. 1508.

*The 25th August 1859.*

The following gentlemen to be Members of the Dispensary Committees of the several Districts to which they are attached respectively :—

AGRA.

The Commissioner	...	} Members.
The Magistrate	...	
The Superintending Surgeon	...	
The Civil Surgeon	...	

FURRUCKABAD.

The Civil and Sessions Judge	...	} Members.
The Magistrate	...	
Lalla Gojraj	...	
Baboo Choteh Loll	...	
Hukeem Usgur Hossein	...	
The Civil Assistant Surgeon	...	Secretary.

ETAWAH.

The Magistrate	...	} Members.
Mr. G. B. Macnechie, Dy. Collr.	...	
Kour Luchmun Sing	...	
Kour Zore Sing	...	
The Civil Assistant Surgeon	...	Secretary.

ETAH.

The Joint Magistrate	...	} Members.
The Moonsiff	...	
The Deputy Collector	...	
The Civil Asst. Surgeon, Member and Secretary.	...	

REVENUE DEPARTMENT.

No. 1581.

*The 20th August 1859.*

The special duty, on which Daboe Pershaud, Deputy Collector of Jounpoor, was deputed to Banda, having terminated, he will return to his substantive post.

No. 1605.

*The 23rd August 1859.*

Leave is granted to Mr. P. J. White, Deputy Collector and Deputy Magistrate of Goruckpore, for fifteen days, under Section VII. of the Un-covenanted Service Leave Rules, in extension of the leave granted in Orders of the 27th June, No. 1072.

No. 1632.

*The 26th August 1859.*

Pundit Umur Nath is appointed to be a Deputy Collector, under Regulation IX. of 1833, and Deputy Magistrate, under Act XV. of 1843, on probation, and placed in charge of the Pergunnahs of Kasheepoor and Thakoordwara, in Zillah Moradabad.

PUBLIC WORKS DEPARTMENT.

No. 2261.

*The 22nd August 1859.*

Under the powers vested in the Lieutenant-Governor of the

XVI. Injury to the Bridges and Masonry will render the owners of rafts liable to charge for the repair. But if the injury be wilful or wanton, the offender will be further punishable under Section V. of the Act.

North-Western Provinces, by Section II. Act VII. of 1845; it is hereby declared

that Rule XVI. of the Regulations for the Western and Eastern Jumna Canals, notified by this Government, on the 31st May 1845, and extended by Notification No. 219A., dated 30th January 1855, to the Ganges Canal, is applicable equally to injury done by *boats* as to injury caused by *rafts* to the Bridges and Masonry works on the Canal.

No. 2281.

*The 23rd August 1859.*

The leave of absence granted to Mr. William Phillips, attached to the Northern Division of the Ganges Canal, in Orders No. 1772, dated the 15th ultimo, will commence from the 10th instead of from the 1st idem.

No. 2284.

Local Lieutenant J. Watts, of the Jubbulpore Divisional Police Battalion, to be a Member of the Road and Ferry Fund Committee of that District.

No. 2331.

*The 26th August 1859.*

One month's privilege leave is granted to Mr. T. H. Hockly, Supervisor of Ganges Works, from the 11th proximo, under Section VII. of the Un-covenanted Leave Rules.



No. 2271.

The 22nd August 1859.

THE following Return of Works of Public utility, constructed by private Individuals at their own cost, in the Allahabad Division, during the year 1858, is published for general information :—

STATEMENT of Works of Public utility, constructed by Individuals at their own private cost, in the Allahabad Division, for the year 1858.

District.	Individual by whom constructed.	Description of the Work.	Place where constructed.	Cost.	REMARKS.
Allahabad ...	Rajah Bunspath Sing	A Tank	Mouzah Doora, Pergunnah Barra	1,500 0 0	
	Somei Looneea	A Well	Mouzah Ausrabee, Pergunnah Barra	200 0 0	
	Munyar Sing, Kaeth	Ditto	Mouzah Burna, Pergunnah Barra	200 0 0	
	Kulund or, Koornee	Ditto	Mouzah Bhelawun, Pergunnah Barra	100 0 0	
	Drigpal, Kewut	Ditto	Mouzah Lohugra, Pergunnah Barra	100 0 0	
	Musst. Jarreea, wife of Dabee, Telee	A Pucka Well	Mouzah Serai, Keshoo alias Bagee, Pergunnah Sooran on the road leading from Allahabad to Purtabghur...	100 0 0	
	Bijeia Ahir	Ditto	Chuck Kasim, alias Phoolpoor Rohna, on the road ...	125 0 0	
	Mata Buksh	A Kutcha Tank	Bazar Jhoosce	250 0 0	
	Punchum Sing	A Pucka Well	Jumneepoor, on the road	500 0 0	
	Jumnautee	Ditto	Pergunnah Pylancee, Mouzah Sirdhon Kulan	475 0 0	
Banda ...	Mohunt, Buldeo Dass, inaafeedar of Mouzah Rampoor	Ditto	Pergunnah Kirwee, Mouzah Raneepoor	300 0 0	
	Unessa Behna	Ditto	Mouzah Mhowa, Pergunnah Seonda	300 0 0	
	Musst. Sookheea, Brahminee	Ditto	Chowkec Besenda, Mouzah Ajeetpooree	125 0 0	
	Subsookh, Sonar	Ditto	Ditto, Mouzah Oomrehenda	75 0 0	
Futtehpoor ...	Gurcebey Pandey	Ditto	Ditto, ditto Belgaon	207 0 0	
	Surjooa, Aheer	Ditto	Ditto, ditto	125 0 0	
	Ditto	Ditto	Ditto, ditto	75 0 0	
	Bideydhur, Pundit	Ditto	Ditto, ditto	125 0 0	
	Leeka, Lumberdar	Ditto	Ditto, ditto Poorahoor	110 0 0	
	Lalla Moha, Brahmin	Ditto	Ummowlee, on the road from Jehanabad to Humeerpoor.	325 0 0	

The following Statement of Works of Public utility, constructed by Individuals at their own private cost, in the Rohileund Division, during the year 1858, is published for general information :—

*STATEMENT of Works of Public utility, constructed by Individuals at their own private cost, in the Rohileund Division, during the year 1858.*

District.	Names of Individual by whom constructed.	Description of the Work.	Place where constructed.	Cost.	REMARKS.
Bijnour	Dabi Dass, Brahmin	Pucca Well	Mouzah Moonemurpoor	340 0 0	
	Ali Mahomed Khan and Abdoolah Shah	Ditto	Mohulla Nuwalpoor in Nujeeabad	250 0 0	
	Khyratee Sing, Zemindar	Ditto	Mouzah Sukroda	1,000 0 0	
	China and Prana, Mokuddums	Ditto	Mouzah Mobaruckpoor Hurdass	500 0 0	
	Sheopersaud	Ditto	On the road from Keerutpoor to Moradabad	300 0 0	
	Hursookh	Ditto	Mouzah Hukeerkut Raizada	175 0 0	
	Enam Bux	Ditto	Qusbah Rehur	300 0 0	
	Rai Bhaop Sing	Ditto	Mouzah Dawamedpoor Gurhee	250 0 0	
	Abdool Gunnee	Surai	Fuzeelabad	1,000 0 0	
	Ghib Loh	Dhumsala	Afzulgurah	300 0 0	
	Imam Buksh	Pucca Well	Town of Amroha	100 0 0	
	Jowhree Mull	Ditto	Pergunnah Amroha, Mouzah Bhurrah	150 0 0	
	Ditto	Ditto	Ditto, Ooksee	125 0 0	
	Tej Ram Buksh	Ditto	Ditto, Mow	150 0 0	
Moradabad	Hurpersaud, Zemindar	Ditto	Ditto, Khalikapoor Khoord	200 0 0	
	Tara Sing, ditto	Ditto	Ditto, Udulpoor	200 0 0	
	Chowdree, Deraj Sing	Ditto	Ditto, Maunuggur oorf Kaith	250 0 0	
	Gholab, Bukhul	Ditto	Ditto, ditto	200 0 0	
	Teja	Ditto	Pergunnah Thakoordwara, ditto Ruffutpoor	125 0 0	
	Purneshree Doss	Ditto	Ditto, Ramoowalla Gunesh	150 0 0	
	Neaz Ullee Khan	Ditto	Ditto, Surkurah	150 0 0	
	Mussumat Lalee, Chowhane	Ditto	Ditto, Soorjun Nuggur	200 0 0	
	Pershadee Lall	Ditto	Pergunnah Kasheepoor, ditto Muhaispoor	500 0 0	
	Chowbey Ramdial	Ditto	Ditto, Kasheepoor	300 0 0	
	Mussumat Chettia, caste Bukhul	Ditto	Ditto, ditto	100 0 0	
	Rutan, Chowhan	Ditto	Ditto, Juspoor, Pallee Bhoop Sing	100 0 0	
	Mussumat Sookhia	Ditto	Ditto, Burgurae, Pallee ditto	125 0 0	
	Golab, Chowhan	Ditto	Ditto, Unraenpoor, ditto	100 0 0	
Bareilly	Ruttan, Pudhan	Ditto	Ditto, Pulrampoor, ditto	300 0 0	
	Bhoj Chund and Nund Lall	Ditto	Pergunnah Bellaree, ditto Seondara, ditto	300 0 0	
	Thun Sing, Brahmin	Ditto	Mohulla Nugurreeah, City of Pilleebheet	175 0 0	
	Purmaishree Doss	Ditto	Budaon Road, Mouzah Durka, Pergunnah Doolah	125 0 0	

By Order of the Hon'ble the Lieutenant-Governor, North-Western Provinces,  
G. E. W. COUPER,  
Secy. to Govt., N. W. P.

No. 561.

*Military Department,*

*Allahabad, the 30th August 1859.*

*Leave of Absence.*—Lieutenant C. S. B. Walton, Commandant of the District Military Police Battalion, Dumoh, eight weeks' leave to the Presidency, preparatory to applying for Furlough to Europe, on Medical Certificate.

No. 565.

Lieutenant L. Forbes, Commandant of the Auxiliary Levies, and District Commandant at Etawah, privilege leave for sixty days, from the 2nd September, or from the date on which he may avail himself of it, to visit Kumaon.

*Appointment.*—The District Adjutant Lieutenant Graham will, temporarily, take charge of the duties of the Battalion, and Lieutenant J. Allen will assume Command of the Auxiliary Levies, with which he is doing duty, until further orders.

No. 569.

*The 1st September 1859.*

*Notification.*—The Hon'ble the Lieutenant-Governor is pleased, upon the report of the Secret District Committee, to declare Captain Birchitt, Commandant of the Divisional Police Battalion, to have passed the Assistant's Examination by the Lower Standard, as required by the Rules.

No. 572.

*Leave of Absence.*—Captain G. A. St. P. Fooks, Commanding Jounpore District Police Battalion, privilege leave for sixty days, to proceed to the Presidency.

The District Adjutant, Lieutenant O'Dowda, assume, temporarily, charge of the duties of the Battalion.

No. 576.

*Notifications.*—Captain J. P. Caulfield, Commandant of the Furruckabad District Police Battalion, on leave, is permitted, at his own request, to resign his appointment, and his services re-placed at the disposal of the Government of India, Military Department.

No. 578.

Asaoldar Jamaat Sing, of No. 5 Troop, Etah District Police, is permitted, at his own request, to resign his appointment.

Order of the Hon'ble the Lieutenant-Governor, North-Western Provinces

G. W. WILLIAMS, Lt.-Col.,  
Military Secy. to Govt. N. W. P.

**Orders by the Lieutenant-Governor,  
Punjab Provinces.**

*Public Works Department,*

No. 1931, dated 22nd August 1859

*Leave of Absence.*—Captain N. Thomas, Superintendent, Pangee Timber Agency, has obtained privileged leave from the 10th September to 25th October next.

No. 1937.

Mr. D. Kirwan, Superintendent of the Indus Canals, has obtained privileged leave from the 1st of September to 15th October next.

No. 1955, dated 24th August 1859.

Lieutenant J. Eckford, of the Baree Doab Canal, Probationary Assistant Engineer, has obtained thirty days' privileged leave, with effect from the 20th instant.

No. 1960.

Mr. Assistant Commissary J. Wallace, Sub-Engineer, Jullunder Division Public Works, has obtained two months' leave, on Medical Certificate, in extension of the privileged leave notified in the *Punjab Gazette* of the 13th July last.

Captain J. Stainforth, Probationary Assistant Engineer, Public Works Department, has obtained one month's privileged leave, with effect from the 1st September proximo.

Captain Elderton, Probationary Assistant Engineer, Delhi Division Public Works, will carry on the duties of that Division, during the absence on Sick leave of the Executive Engineer, Lieutenant J. Newmarch.

*Judicial Department.*

*Appointments.*—The following Officers have been appointed Secretaries to the Local Committees of the Districts, specified opposite their respective names:—

Lieutenant R. G. Sandeman, Assistant Commissioner, Kohat.

Mr. E. Moore, Extra Assistant Commissioner, Jhung.

Sir A. L. Lawrence, Bart., Assistant Commissioner, Kangra.

Mr. F. Moore, Extra Assistant Commissioner, Hooshiarpore.

*Memorandum.*—It is requested that the No. of the *Punjab Gazette* of the 20th August, may be altered from 66 to 67, the former number being a typographical error.

By Order of the Hon'ble the Lieutenant-Governor of the Punjab Provinces,

R. H. DAVIES,

Secy. to Govt., Punjab Provinces.

[ 2062 ]

*Monthly Account of Salt in Store in the several Agencies and the Sulkeah Golahs up to 31st August 1859,  
together with 4 per cent reserve for Golah Wastage.*

AGENCIES.	1280 or 1853-54, and previous years.	1281 or 1854-55.	1282 or 1855-56.	1283 or 1856-57.	1284 or 1857-58.	1285 or 1858-59.	Total Quantity in Store.
<i>Hidgellies.</i>	Mds. S. C.	Mds. S. C.	Mds. S. C.	Mds. S. C.	Mds. S. C.	Mds. S. C.	Mds. S. C.
Pungah Salt Ghaut, } Rassoolpore ...	o o o	o o o	o o o	o o o	1103 3 12	111404 3 12	112597 7 4
Ditto do., Kissenuggur	o o o	o o o	o o o	o o o	91071 26 8	212904 20 0	303976 6 8
Ditto do., Ramnuggur	o o o	o o o	o o o	114750 25 0	182553 39 0	156107 16 0	453412 0 0
Do. do., North Kalli- nuggur ...	o o o	o o o	o o o	o o o	6493 38 0	194085 22 0	200579 20 0
Do. do., Pooree } Ghautta ...	o o o	o o o	o o o	o o o	13324 0 0	107548 26 0	120870 26 0
<b>Total</b>	o o o	o o o	o o o	114750 25 0	294540 27 4	782188 7 12	1191435 20 0
<i>Twmlook.</i>							
Pungah, Ghaut Nar- rainpore ...	o o o	o o o	o o o	o o o	o o o	24863 11 8	24863 11 8
<b>Total</b>	o o o	o o o	o o o	o o o	o o o	24863 11 8	24863 11 8
<i>Chittagong.</i>							
Pungah, Bangkhally } Ghaut ...	o o o	o o o	o o o	o o o	9798 25 0	48902 5 0	56700 30 0
Do. Sudder Ghaut } Agency ...	o o o	o o o	o o o	o o o	4902 20 0	408428 33 8	411391 13 8
Do. do., Arracan ...	o o o	o o o	o o o	o o o	o o o	o o o	o o o
Kurkutch Madras ...	o o o	o o o	o o o	7608 38 0	212055 25 12	87219 20 0	308984 3 12
<b>Total</b>	o o o	o o o	o o o	7608 38 0	238616 30 12	540810 18 8	776636 7 4
<i>Sulkeah.</i>							
Pungah, Cuttnack	o o o	o o o	o o o	o o o	608 5 0	o o o	668 5 0
Do., Balasore	o o o	o o o	o o o	o o o	o o o	o o o	o o o
Do., Khordha ...	o o o	o o o	o o o	12 10 0	o o o	o o o	12 10 0
Do., Chilka	o o o	o o o	o o o	o o o	80 0 0	o o o	80 0 0
Do., 24-Perghs. Dease	o o o	o o o	329 0 0	631 0 0	o o o	o o o	951 0 0
Do., do., Narainpore	199397 20 0	o o o	o o o	o o o	o o o	o o o	100397 20 0
Do., do., Bangundee	o o o	o o o	346 0 0	5968 20 0	o o o	o o o	1614 20 0
Do., do., Dhosah	o o o	o o o	160 0 0	3108 0 0	o o o	o o o	3268 0 0
Kurkutch Madras } Permit ...	o o o	259232 30 0	601856 0 0	o o o	o o o	o o o	951118 30 0
Do., Chilka	o o o	o o o	1705 0 0	358118 10 0	178200 0 0	o o o	538021 10 0
Do., Scinde	o o o	o o o	o o o	o o o	o o o	97760 20 0	97760 20 0
Mixed Kurkutch	o o o	o o o	o o o	o o o	o o o	2226 0 0	2226 0 0
Pungah, Pooree } Ghautta ...	o o o	o o o	o o o	o o o	o o o	o o o	o o o
Do., Ramnuggur	o o o	o o o	o o o	78 25 0	o o o	o o o	78 25 0
<b>Total</b>	199397 20 0	259232 30 0	604417 0 0	367614 25 0	178948 5 0	99986 20 0	1799598 20 0
<i>Arracan.</i>							
Pungah Ghaut, Khyeah Phyoo ...	o o o	o o o	o o o	o o o	11787 20 0	90900 0 0	102687 20 0
<b>Total</b>	o o o	o o o	o o o	o o o	11787 20 0	90900 0 0	102687 20 0
<b>Grand Total</b>	199397 20 0	259232 30 0	604417 0 0	489974 8 0	712099 3 0	1533498 17 12	3895514 38

E. T. TREVOR,  
Secretary.

BOARD OF REVENUE,  
The 5th September 1859. }

**Opium Notification.**

NOTICE is hereby given, that the Ninth Sale of Opium, the provision of 1857-58, will be held at the Exchange Hall, on Friday, the 9th of September 1859, at 11 A. M., and will comprise 2,260 Chests, viz:—

Behar Opium ... ..	1,915
Benares Ditto ... ..	345
<b>Total Chests ...</b>	<b>2,260</b>

2. The general conditions of the Sale now advertized will be the same as usual. They may be ascertained by reference to the Notification issued on the 1st December 1858, and published in the *Government and Exchange Gazettes*, or on application at the Office of the Board of Revenue.

3. The latest dates for deposit and clearance will be the 14th and 24th September 1859, respectively, that is to say, no Sub-Treasurer's Receipts, Company's Paper or other Public Securities that may be tendered for deposit in redemption of Promissory Notes given by purchasers at the Sale, will be received after 4 P. M., of Wednesday, the 14th September 1859, and no Treasury Receipts in full payment of lots will be accepted after 4 P. M., of Saturday, the 24th September 1859.

4. In addition to the quantity above advertized for Sale, the following quantities more or less of Behar and Benares Opium of 1857-58 will be brought to Sale in the present year, on or about the dates specified below. The Board however reserve to themselves the right of altering these dates should circumstances render it expedient to do so.

	Behar about Chests.	Benares about Chests.	Total about Chests.
On or about Friday, 14th October 1859	1915	345	2,260
Do. Monday, 7th November ..	1915	345	2,260
Do. Monday, 5th December ..	1934	379	2,313
	5,764	1,069	6,833

By Order of the Board of Revenue,  
ED. H. LUSHINGTON,  
*Junior Secretary.*  
FORT WILLIAM,  
The 1st August 1859. }

**Opium Notification.**

NOTICE is hereby given, that the tenth Sale of Opium, the provision of 1857-58, will be held at the Exchange Hall, on Friday, the 14th of October 1859, at 11 A. M., and will comprise 2,260 Chests, viz:—

Behar Opium ... ..	1,915
Benares Ditto ... ..	345
<b>Total Chests...</b>	<b>2,260</b>

2. The general conditions of the Sale now advertized will be the same as usual. They may be

ascertained by reference to the Notification issued on the 1st December 1858, and published in the *Government and Exchange Gazettes*, or on application at the Office of the Board of Revenue.

3. The latest dates for deposit and clearance will be the 19th and 29th October 1859, respectively, that is to say, no Sub-Treasurer's Receipts, Company's Paper or other Public Securities that may be tendered for deposit in redemption of Promissory Notes given by purchasers at the Sale, will be received after 4 P. M. of Wednesday, the 19th October 1859, and no Treasury Receipts in full payment of lots will be accepted after 4 P. M. of Saturday, the 29th October 1859.

4. In addition to the quantity above advertized for Sale, the following quantities more or less of Behar and Benares Opium of 1857-58 will be brought to Sale in the present year, on or about the dates specified below. The Board however reserve to themselves the right of altering these dates, should circumstances render it expedient to do so.

	Behar about Chests.	Benares about Chests.	Total about Chests.
On or about Monday, 7th November 1859	1915	345	2,260
Do. Monday, 5th December ..	1934	379	2,313
	3849	724	4573

By Order of the Board of Revenue,  
ASHLEY EDEN,  
*Offg. Junior Secretary.*  
FORT WILLIAM,  
The 1st September 1859. }

**Notification No. 11.**

SYAD ABDUL WYAD, Uncovenanted Deputy Collector, received charge of the Treasury at Maladah on the 27th ultimo.

E. F. HARRISON,  
*Offg. Acctt. to the Govt. of Bengal.*  
FORT WILLIAM;  
*Office of Acct., Govt. of Bengal,* }  
The 5th September 1859.

No. 6861.

**Notification.**

It is hereby notified for general information, that a Steamer and Flat will, until further notice, leave Dinapore for Fyzabad on the 15th, and Fyzabad for Dinapore on the 5th of every month.

Passengers embarking at Dhooree Burhal should be ready at that place on the 19th of every month for the upward voyage, and on the 6th for the downward.

By Order of the Superintendent of Marine,  
H. HOWE,  
*Secretary.*

FORT WILLIAM;  
*Marine Supdt's Office,* }  
The 13th August 1859.

Notice.

THE Steamer *Hoorungotta* will, until further notice, leave Dinapore on the 15th, and Fyzabad on the 5th of every month. Passengers intending to embark at Dhooree Burhul should be ready there on the 19th of the month for the upward voyage, and on the 6th for the downward.

The following list of charges for Passengers, and Freight for private Goods, is published for general information.

ST. G. TUCKER,

Commissioner and Superintendent.

COMMISSIONER'S OFFICE ; }  
Fyzabad Division, }  
The 3rd August 1859. }

Scale of Private Freight and Passage between Dinapore and Fyzabad.

CABIN PASSAGE.

From Dinapore to Dhooree Ghaut, 100 miles, 4 annas per mile.

From Dhooree Ghaut to Fyzabad, 100 miles, 4 annas per mile.

200

Quarter Deck, when Cabins are not available, at 4 Rupees per diem, for the estimated time (3 days to the former and 8 to the latter.)

Deck Passage,  $\frac{1}{2}$  anna per mile.

Return Passage, Cabin,  $\frac{1}{3}$ ds of upward rates.

Quarter Deck for the time, (2 days from Station to Station.)

UPWARD FREIGHT.

Dinapore to Dhooree Ghaut, 4 annas per foot or 8 annas per maund.

Dhooree Ghaut to Fyzabad, 4 annas per foot or 8 annas per maund.

N. B.—No Package conveyed up or down less than one Rupee and eight Annas.

ON TREASURE.

From Station to Station, 4 annas per cent.

From Station to Station, Copper Coins, 8 pies per lb.

CARRIAGES.

Freight on Carriages up to any Station, 3 pies per lb.

CATTLE TO ANY DISTANCE.

Horses, 20 Rupees each } Intermediate  
Bulls and Cows, 20 Rupees each } up 10 Rupees  
each.

Sheep, Dogs, and Goats, &c., 4 Rupees each. Intermediate up, 2 Rupees 8 Annas each.

All Downward Freight,  $\frac{1}{3}$ ds of the upward.

The Regulations regarding Passengers, Baggage, Freight, are to be observed the same as the Ganges Line.

H. HOWE,

Secy. to the Suplt. of Marine.

Telegraph Department

NOTICE.

THE following List of Telegraph Offices now open for the receipt of Messages, is published for general information :—

BENGAL.

Calcutta	..	Stations on Hooghly River.
Atchsepore	..	
Hooghly Point	..	
Diamond Harbour	..	
Mud Point	..	
Saugor Island	..	
Kookroohattee	..	Line to N. W. Provinces.
Kedgerie	..	
Midnapore	..	
Barrackpore	..	
Burdwan	..	
Raneegunge	..	
Burhee	..	Ganges River Line.
Sherghotty	..	
Sasseram	..	
Benares	..	
Rajmahal	..	
Monghyr	..	
Bhaugulpore	..	
Patna or Dinapore	..	

DACCA.

Jessore	..
Dacca	..

N. W. P. AND PUNJAB.

Allahabad	..	Branch to Calpee. " Lucknow. " Fyzabad. " Gonda. " Shahjehanpore.
Cawnpore	..	
Futtyghur	..	
Agra	..	
Allyghur	..	
Delhi	..	Branch to Meerut. " Moradabad. " Bareilly.
Umballa	..	
Loodiana	..	
Philloor	..	Branch to Kussowlie " Simla.
Jullunder	..	
Umritsur	..	
Lahore	..	Branch to Murree.
Rawul Pindee	..	
Attock	..	
Peshawur	..	
Mooltan	..	

BOMBAY.

Bombay	..	Nore. For use of the Governor. Open when he resides at each place.
Parell	..	
Malabar Point	..	
Matheran	..	
Dapoorree	..	
Tanna	..	Line to Agra.
Nasnick	..	
Malligaum	..	
Dhoolia	..	
Bulsar	..	Line to Guzerat and Seinde.
Surat	..	
Baroda	..	
Baroach	..	
Kaira	..	
Ahmedabad	..	
Deesa	..	



Poonah	...	Branch to Seroor.
	...	" " Ahmednuggur.
Sattara	..	" " Mahabaleshwur.
Kolapore	..	" " Sawunt Warreo
Belgaum	...	" " Kugoria.
	...	" " Goa.
Dharwar	..	
Gudduck	...	
	...	Line to Madras.
	...	INDORE.
Seerpore	...	
Ackberpore	...	
Indore	..	
Beowra	...	Line from Bombay to Agra.
Sepree	..	
Gwalior	...	
	...	MADRAS.
Madras	...	
Guindy*	..	*Open only during residence of the Governor.
Mount	..	
Pondicherry	...	
Negapatam	...	Line to Ceylon.
Pootocottah	...	
Paumben	...	
Ponamallee	...	
Vellore	..	
Bangalore	..	Line to Bombay.
Secrah	..	
Bellary	..	
Mysore	..	
Ootacamund	...	
Mercara	..	Line to Neilgherries and Malabar Coast.
Cannanore	..	
Calicut	..	
Cochin	...	
	...	CENTRAL INDIA.
Kurnool	...	
Hyderabad	..	
Secundrabad	..	
Warrungul	...	
Chanda	...	Station of Observation in case of interruptions.
Chinnocr	...	
Nagpore	..	
Kamptee	..	
Seone	..	
Jubbulpore	...	
Rewa	...	
Mirzapore	...	
	...	EAST COAST.
Jelasore	...	
Balasore	...	
Cuttack	..	
Berhampore	..	
Chicacole	...	
Chutterpore or Ganjam.	...	
Vizagapatam	...	
Dowleisharum or Rajamundry.	...	
Masulipatam	...	
Bezwarrah	..	
Coconada	...	
Ongole	..	
Nellore	..	
	...	SCINDE.
Kurrachee	...	
Keamaree	..	* Harbour Stations for Kurrachee
Gizree	..	* and Gizree, mouth of the Indus.
Kotree	..	
Hyderabad	..	
Buddeena	..	
Nuggur Parkur	...	
Taroosha *	...	127 Miles N. of Hyderabad.
	...	7 Miles N. W. of Nowshera.
Sukkur	..	
Shikarpore	..	
Jacobabad	..	

Kusmore	...	{ 12 Miles S. of Sheawalla Frontier between Scinde and Punjaub.
Rajanpore	..	{ 4 Miles N. E. of Asnee.
	..	{ 12 Miles N. E. of Mittencote on the Indus.
Deera Gazee Khan	...	
	...	PEGU.
Rangoon	...	
Henzada	...	
Menghye	...	
Shoaghyeen	...	
Prome	...	
Tonghoo	...	
Thyet-myo	..	
Pegu	...	
	...	NOTE.
	...	The Lines in Pegu are not yet connected with those in India, but the works are in progress and will be completed early next year.
	...	CEYLON.
Point de Galle	..	
Colombo	...	
Kandy	..	
Mehintelle	..	
Manaar	..	

W. B. O'SHAUGHNESSY,  
Superintendent, Electric Telegraphs in  
India and Ceylon.

BANGALORE.  
The 10th August 1859.

Sheriff's Office; the 3rd September 1859.

NOTICE is hereby given, that a Sessions of Oyer and Terminer and Gaol Delivery and also an Admiralty Sessions will be holden by the Supreme Court of Judicature at Fort William in Bengal, for the Town of Calcutta and Factory of Fort William, and the places subordinate thereto, at the Court-House in the Town of Calcutta, on Tuesday, the twentieth day of September instant, at 12 o'clock at noon.

The Court will open on the first day of the Sessions at 12 o'clock at noon, and upon each succeeding day precisely at 11 o'clock in the forenoon, of which all persons are required to take notice.

W. F. GILMORE,  
Sheriff.

সরিক আফিস ৩ সেপ্টেম্বর ১৮৫৯ সাল

সমাচার দেওয়া যাইতেছে যে আগামি ২০ সেপ্টেম্বর ১৮৫৯ সাল মঙ্গলবার দুই প্রহরের সময় কলিকাতার কোর্ট উইলিএমের এবং তাহার অন্তঃপাতি যে সকল স্থান তন্নিমিত্ত বঙ্গ দেশের কোর্ট উইলিএমের শ্রেণী কোর্ট আপন আদালত ঘরে ওয়েরটরমিনর এবং এডমাইরেলটি অর্থাৎ মহা সমুদ্র সম্পর্কীয় মোকদ্দমা নিষ্পত্তি জন্য এক সেশিয়ান অর্থাৎ মিছিল করিবেন।

এই সেশিয়ান জতকাল পর্যন্ত বসিবেক তাহার প্রথম দিবস দুই প্রহরের সময় তাহার পর প্রতি দিবস এগারো ঘণ্টার সময় বসিবেক এ বিষয় সকলে অরন রাখুন।

W. F. GILMORE,  
Sheriff.

**Notice is hereby given,**

THAT the CACHAR MELA, or ANNUAL FAIR, will be held at Silchar, in Cachar, on the 30th and 31st of December 1859, and the 1st, 2nd and 3rd of January 1860.

Prizes will be given, as at the last Mela, for the best specimens of Cattle, Raw Products, and Manufactures brought for sale.

Shops will be erected for the convenience of Traders, Races, Games, &c., will be held, and a display of Fire-works take place.

N. B.—The last Mela was attended by a great concourse of people, and large herds of Buffaloes, Cows, Ponies and Goods of all kinds were brought for sale and disposed of.

R. STEWART,  
*Superintendent of Cachar.*

ZILLAH CACHAR ;  
*Superintendent's Office,*  
*The 1st August 1859.* }

**Notice.**

NOTICE is hereby given, that the Effects of the late Henry Charles Cameron Gilmore, late of Marjan Factory, Debrooghur, a Tea Planter in the employ of G. K. Barry, Esquire, of Serajgunge, who died at this Station on the 1st of August 1859, have been attached under the Seal of this Court, and will be made over to any party entitled to receive the same. If not claimed within one month, the Effects will be disposed of, under instructions from the Administrator General.

A. K. COMBER,  
*Principal Assistant Commissioner,*  
*Durrung, Tezapore.*

TEZPORE ;  
*Print. Asstt. Commr.'s Office,*  
*The 24th August 1859.* }

**Uncovenanted Service Family Pension Fund.**

**WIDOWS' FUND.**

Amount at Credit of the Reserve Fund according to Mr. Finlaison's valuation, as at 1st May 1858	...	Rupees	1,52,989	0	0
Amount of Interest on Rupees 1,52,989 for one year, at 6 per Cent.	...	„	9,179	5	2
Amount at Credit of the Interest Account of the past year	...	„	920	14	10
Total	„		10,100	4	0

Estimated Nett Divisible Sum for 1859-60, which will admit of a reduction of 15 per Cent. in the Monthly Subscriptions of 277 qualified Subscribers, who shall have completed five years' consecutive payments on or before the 30th April 1859.

**CHILDREN'S FUND.**

Amount at Credit of the Reserve Fund according to Mr. Finlaison's valuation, as at 1st May 1858	...	Rupees	77,878	0	0
Amount of Interest on Rupees 77,878 for one year, at 6 per Cent.	...	„	4,672	10	0
Amount at Credit of the Interest Account for the past year	...	„	80	4	0
Total	„		4,752	14	0
Against this will have to be deducted to make up the deficit in the payments of three Subscribers, whose Subscriptions are less than the rates laid down in the New Tables of Rates as per proposition 3, Circular dated 15th December 1852	...	„	148	14	0
Total	„		4,604	0	0

Estimated Nett Divisible Sum for 1859-60, which will admit of a reduction of 15 per Cent. in the Monthly Subscriptions of 184 Subscribers, who shall have completed five years' consecutive payments on or before the 30th April 1859.

Published by Order of the Directors,

GEO. W. KELLNER,  
*Acct. and Collector.*  
FUND OFFICE,  
*The 3rd September 1859.* }

R. C. TULLOH,  
*Secretary.*

*RULES for the preservation of the Government Invalid Bungalows at Almorah, with the conditions upon which Officers of all ranks are permitted to occupy them :—*

1. No Officer is to take possession of a bungalow on any account without application to the Executive Engineer, who will submit the same to the Commanding Officer.

2. The first Invalid who arrives at the Station of Almorah is to have his choice of bungalows, and so on in rotation till they are all occupied. In the event of a number arriving at the same time, the seniors are to have a prior claim to choose.

3. Should the number of bungalows be at any time inadequate for the separate accommodation of Gentlemen or Families, the largest house inhabited by a bachelor will be liable to receive a second occupant, and so on in rotation; married Officers to be the last subject to this arrangement. But when it becomes necessary for more than two bachelors to occupy one house, married Officers will be requested to move into one of the smaller houses, leaving the larger for the accommodation of more than two bachelors.

4. The bungalows will be delivered over to individuals by the Executive Engineer or one of his subordinates, and Officers are requested in concert with the Executive Engineer or his subordinates particularly to examine them, as it is to be distinctly understood that any damage which may have happened wilfully or through carelessness to any bungalows during the occupation of the property, is to be made good by the occupants.

5. To enable the Executive Engineer to examine the buildings, timely information is to be given him by Invalids of the probable period of their departure from the Station.

6. The repairs which Government authorize at their own expense to these bungalows are annual and quadrennial repairs, which merely consist of white-washing, renewals to perishable articles, such as jhamps, ceiling cloths, &c., when *bona fide* worn out, and trifling repairs, such as stopping of leaks, &c., the neglect of which by occupants might cause ultimate damage to the property; all other repairs to these buildings whilst occupied, such as repairs to doors, windows, jhamps, replacing broken panes of glass, &c., to be made by the Executive Engineer, but at the expense of the occupants.

7. Such expense to be paid to the Executive Engineer on his presenting a bill for the amount.

8. No alteration, changes or additions of any kind to be made to any bungalows, or part of a property without the sanction of the Executive Engineer.

9. And any alterations and additions which may have been sanctioned and executed are not to be taken down or removed on the departure of any Invalid, but are to be considered the property of Government.

10. Officers who may not feel inclined to submit to the above Rules are to be considered as having forfeited their title to occupy any bungalow.

(True Copy)

D. Moss,

Offg. Asst. to the Chief Engineer, N. W. P.

*Court for the Relief of Insolvent Debtors at Calcutta.*

In the matter of John Noble Mabert, of Dhurumtollah Street, in Calcutta, Clerk, an Insolvent. } On Friday, the 2nd day of September instant, it was ordered that the hearing of this matter do stand adjourned until Saturday, the 5th day of November next, and that the order made in this matter for the *ad interim* protection of the said Insolvent from arrest, be enlarged to the said 5th day of November next, and that the said Insolvent do then attend to be examined by the said Court.

Sherrington, *Attorney.*

In the matter of Isaac Joseph Dock Cohen, an Insolvent. } On Friday, the 2nd day of September instant, it was ordered that the hearing of this matter do stand adjourned for the purpose of amending the Schedule, and that the order made in this matter for the *ad interim* protection of the said Insolvent from arrest, be enlarged until the further order of this Court, and that the said Insolvent do personally attend before this Court on the hearing of the matters of his petition.

Insolvent in person.

In the matter of Francis Frederick Wills, lately carrying on business at Calcutta, as a Merchant and Agent, under the several styles or firms of Wills and Co. and Goddard, Wills and Co., an Insolvent. } On Saturday, the 3rd day of September instant, it was ordered that the hearing of this matter do stand adjourned until Saturday, the 10th day of September instant, and that the said Insolvent do then attend to be examined by the said Court.

Carey and Berners, *Attorneys.*

In the matter of Kunnyaloll Dobay, of Burra Bazar, in Calcutta, formerly carrying on business of Cloth Merchant at Burra Bazar, jointly with one Nathooram, under the style and firm of Nathooram Kunnyaloll, and afterwards also carrying on business of Cloth Merchant at the same place, jointly with Beharryloll, under the style and firm of Kally Saha and Kunnyaloll, and at present Gomastah in the service of Doorgapersaud Goolzareemul, of Burra Bazar, an Insolvent. } On Saturday, the 3rd day of September instant, it was ordered that the hearing of this matter do stand adjourned until Saturday, the 10th day of September instant, and that the said Insolvent do then attend to be examined by the said Court.

W. W. Linton, *Attorney.*

In the matter of George Ripley, an Insolvent. } On Saturday, the 3rd day of September instant, it was ordered that the first Saturday in the month of September 1860, be appointed for the further hearing of this matter, and that unless cause be shown to the contrary on that day, the

said Insolvent be discharged personally as well as to his after acquired property from all liability for debts, claims and demands of, and against the said Insolvent at the time of the filing of his petition for relief.

Judge, Judge and Watkins, *Attorneys*.

In the matter of Charles William Saliz, an Insolvent. — On Saturday, the 3rd day of September instant, by two several orders of this Court, the said Insolvents were respectively adjudged entitled to their personal discharge, under the Act XI. Vic. cap. XXI., as to all persons named in their Schedules as Creditors or claiming to be Creditors respectively.

Robertson, *Attorney*.

In the matter of George Henry William Conroy, of Kerr's Lane, in Calcutta, late of Chinsurah, in the Province of Bengal, and late Head Master of the Hooghly College, and formerly of Russapuglah, in the Suburbs of Calcutta, Head Master of the Mysore Princes' Boarding School, an Insolvent. — Notice, that the petition of the said Insolvent, seeking the benefit of the Act XI. Vic. cap. XXI., was filed in the Office of the Chief Clerk on the 3rd day of September instant, and by an order of the same date, the Estate and Effects of the said Insolvent were vested in the Official Assignee.

Oehme and Barrow, *Attorneys*.

In the matter of George Henry William Conroy, of Kerr's Lane, in Calcutta, late of Chinsurah, in the Province of Bengal, and late Head Master of the Hooghly College, and formerly of Russapuglah, in the Suburbs of Calcutta, Head Master of the Mysore Princes' Boarding School, an Insolvent. — On Saturday, the 3rd day of September instant, it was ordered that the matters of the petition of the said Insolvent be heard on Saturday, the 5th day of November next, and that the said Insolvent do then attend to be examined by the said Court.

Oehme and Barrow, *Attorneys*.

In the matter of George Henry William Conroy, of Kerr's Lane, in Calcutta, late of Chinsurah, in the Province of Bengal, and late Head Master of the Hooghly College, and formerly of Russapuglah, in the Suburbs of Calcutta, Head Master of the Mysore Princes' Boarding School, an Insolvent. — Notice, that an application for an *ad interim* protection order has been this day made by the said Insolvent, and that such application will be heard and disposed of by the Acting Commissioner of the Insolvent Court, on Tuesday, the 13th day of September instant, at the hour of 10 o'clock in the forenoon.

“Any Creditor of the said Insolvent, desirous of opposing such application, must appear before the said Court at the time and place aforesaid.”

Oehme and Barrow, *Attorneys*.

In the matter of Edwin Arthur Wall, late of Dhurumtollah, in Calcutta, and late a Senior Second Mate Pilot in the Service of the East India Company on their Bengal Establishment, but at present without employment, an Insolvent. — Notice, that the petition of the said Insolvent, seeking the benefit of the Act XI. Vic. cap. XXI., was filed in the Office of the Chief Clerk on the 5th day of September instant, and by an order of the same date, the Estate and Effects of the said Insolvent were vested in the Official Assignee.

Insolvent in person.

In the matter of Edwin Arthur Wall, late of Dhurumtollah, in Calcutta, and late a Senior Second Mate Pilot in the Service of the East India Company on their Bengal Establishment, but at present without employment, an Insolvent. — On Monday, the 5th day of September instant, it was ordered that the matters of the petition of the said Insolvent be heard on Saturday, the 5th day of November next, and that the said Insolvent do then attend to be examined by the said Court.

Insolvent in person.

In the matter of Edwin Arthur Wall, of Dhurumtollah, in Calcutta, and late a Senior Second Mate Pilot in the Service of the East India Company on their Bengal Establishment, but at present without employment, an Insolvent. — Notice, that an application for an *ad interim* protection order has been this day made by the said Insolvent, and that such application will be heard and disposed of by the Acting Commissioner of the Insolvent Court, on Tuesday, the 13th day of September instant, at the hour of 10 o'clock in the forenoon.

“Any Creditor of the said Insolvent, desirous of opposing such application, must appear before the said Court at the time and place aforesaid.”

Insolvent in person.

In the matter of Mokoo Jemadar, of Jorasanko, in Calcutta, a Matur or Sweeper, an Insolvent. — Notice, that the petition of the said Insolvent, seeking the benefit of the Act XI. Vic. cap. XXI., was filed in the Office of the Chief Clerk on the 5th day of September instant, and by an order of the same date, the Estate and Effects of the said Insolvent were vested in the Official Assignee.

Sherrington, *Attorney*.

In the matter of Mokoo Jemadar, of Jorasanko, in Calcutta, a Matur or Sweeper, an Insolvent. — On Monday, the 5th day of September instant, it was ordered that the matters of the petition of the said Insolvent be heard on Saturday, the 5th day of November next, and that the said Insolvent do then attend to be examined by the said Court.

Sherrington, *Attorney*.

In the matter of Kisno-  
coomar Laheree and  
Chunderseokur Lahee-  
ree, Insolvents.

In the matter of Colly-  
dhone Mookerjee, an  
Insolvent.

In the matter of George  
Henry Stapleton, an  
Insolvent.

In the matter of George  
Newbiggin, an Insol-  
vent.

In the matter of Charles  
William Saliz and Ed-  
ward Daniel Latapie,  
Insolvents.

In the matter of Fran-  
cois Hodoul, an Insol-  
vent.

In the matter of Wil-  
liam Bell, an Insolvent.

In the matter of James  
Edward Gomes, an In-  
solvent.

In the matter of Hur-  
ges Roy, an Insolvent.

*Chief Clerk's Office, the 6th September 1859.*

### India General Steam Navigation Com- pany "Limited."

NOTICE is hereby given, that under the provisions of the Act XIX. of 1857, of the Legislative Council of India, a General Meeting of the Shareholders of the India General Steam Navigation Company "Limited" incorporated under the Act will be held on Monday, the 12th day of March 1860, at the hour of 3 P. M., at the Registered Office of the Company in the Town of Calcutta for the purpose of framing Articles of Association for the regulation and management of the Company under the Act, and in conjunction with the Regulations contained in Table B in the Schedule to the Act annexed, and for passing a Special Resolution of the Company accordingly under Sections 38 and 39 of the Act.

By Order of the Directors,

FRANK STACE,  
*Secretary.*

CALCUTTA,  
The 8th August 1859. }

### Notice

IS HEREBY given, that the Partnership heretofore subsisting between JOHN LAWRIE, MICHAEL HENRY LIDDY, and ROBERT SMITH, carried on under the Firm of Watts and Company, was dissolved by mutual consent on the 29th August 1859, so far as relates to the said MICHAEL HENRY LIDDY.

ROBT. ROBERTSON,  
*Attorney-at-Law.*

CALCUTTA,  
The 2nd September 1859. }

### Notice.

### The Calcutta Printing and Publishing Company (Limited.)

AN Extraordinary General Meeting of Shareholders of the *Calcutta Printing and Publishing Company (Limited)* will take place on Tuesday, the 27th September 1859, at 4 o'Clock P. M., precisely, at the Company's Office, No. 1, Weston's Lane, Cossitollah, for the purpose of dissolving the Company.

Your presence on this occasion is respectfully solicited.

GEORGE SHALLOW,  
*For Self and Board.*

25th August 1859.

### Latelty Published.

GUIDE TO THE

Department of Public Works,

By D. A. GANTZER.

SECOND edition much enlarged and improved and illustrated with numerous Diagrams and Plans, 8vo. cloth, Rupees 6.

THACKER, SPINK AND CO.

### Notification.

### Plundered or Destroyed from the Cawn- pore Treasury.

THE Public is cautioned against purchasing the under-mentioned Government Promissory Notes, of the 4 per Cent. Loan of 1854-55, standing in the name of Sheonath, the Proprietor, by whom they were never endorsed to any other person. Payment of the Notes and of Interest thereupon has been stopped at the Loan Office :—

No. 4071 of 46616, for Co.'s Rupees	25,000
" 4072 " " " "	25,000
" 4073 " " " "	25,000
" 1074 " " " "	25,000
" 4075 " " " "	25,000

N. PARSICK,  
*Depty. Collector.*

CAWNPORE TREASURY, }  
The 24th August 1859. }

### Lost.

No. 5413 of 1835-36, 4 per Cent...	Rs. 2,000
" 5414 " " " "	2,000
" 16681 " " " "	2,000
" 16682 " " " "	2,000

The property of Mahomed Shiffee of Umballa, by his Agent in Calcutta.

MOONSHEE ALEEMULLA.

**Notice.**

DESTROYED in the Judge's Office during the Mutiny at Cawnpore, the under-mentioned Government Promissory Notes, lastly endorsed to Budreedoss and Benareseedoss, Mahajuns of Cawnpore:—

No. 93 of 14800 of 1835-36, Rs. 500 } 4 per Cent.  
 „ 428 „ „ „ 500 }

Lost at the Lucknow Post Office, the under-mentioned Government Promissory Note, lastly endorsed to Jowahirmall, of Cawnpore:—

No. 43218 of 1856-57, 4 per Cent., Rs. 500.

RAMLOLL BUDREEDOSS.

**Lost, Stolen or Destroyed.**

THE under-mentioned Government Promissory Note, standing in the name of Unjoomooddowla Mahumud Jafur Ullee Khan, the Proprietor, by whom it was never endorsed to any other person. Payment of the Note and of Interest thereupon has been stopped at the Loan Office, and application is about to be made to Government for the issue of Duplicate Note in favor of the Proprietor:—

No. 9988 of 1231, for Rs. 6,000, of 1835-36.

UNJOOMOODDOWLA MAHUMUD  
 JAFUR ULLEE KHAN.

LUCKNOW,  
 The 31st August 1859. }

**Lost, Stolen or Destroyed.**

THE under-mentioned Government Promissory Note, standing in the name of Moortuzee Beg, the Proprietor, by whom it was never endorsed to any other person. Payment of the Note and of Interest thereupon has been stopped at the Loan Office, and application is about to be made to Government for the issue of Duplicate Note in favor of the Proprietor:—

No. 10397, for Rs. 1,500, of 1854-55.

LUCKNOW,  
 The 31st August 1859. }  
 MOORTUZEE BEG.

**Lost, Stolen or Destroyed.**

THE under-mentioned Government Promissory Notes, standing in the name of Wafutee Khanum, the Proprietress, by whom they were never endorsed to any other person. Payment of the Notes and of Interests thereupon has been stopped at the Loan Office, and application is about to be made to Government for the issue of Duplicate Notes in favor of the Proprietor:—

No. 15193 for Rs. 6,000 of 1832-33  
 „ 4719 of 16199 „ „ 1,000 „ „  
 „ 18018 „ „ 1,000 „ „  
 „ 16558 „ „ 18,000 „ 1835-36  
 „ 4720 „ 1619 „ „ 1,000 „ 1832-33  
 „ 33533 „ „ 4,100 „ 1854-55

LUCKNOW,  
 The 31st August 1859. }  
 WAFUTEE KHANUM.

**Notice**

Is hereby given, that the left-hand or first-half of a Bengal Bank Note, No. 02390, dated 27th July 1858, lost or destroyed during the late Mutiny in transit from Maldah to Muthra. Payment of the Note has been stopped at the Bank.

PREM CHAND SINGH.

**Notice.**

LOST OR STOLEN in transit by Dāk from Vizagapatam to Calcutta, lower-half of Government Promissory Note, No. 8533 of 19754, dated 30th June 1841, for Rupees 1,000, standing in the name of Miss Sophia Boldero.

Payment of the Note has been stopped at the Loan Office, and application is about to be made to Government for the issue of a duplicate.

**Lost.**

HALF of a Bank of Bengal Note, No. 11566, for Rupees 100. The payment of which is stopped at the Bank.

**Lost.**

LEFT-HAND half of a Bank of Bengal Note, No. 11455, for Rupees 100, and Right-hand halves Nos. 9631C and 20126C, for Rupees 50 each, the payment of which has been stopped at the Bank.

**Postal Notice.**

THE Public are hereby informed that, under instructions from the Post-Master General, I am now prepared to receive direct charge of all Packages arriving by the private Steamers consigned to my care, as Post-Master, Government Steam, or Government Waggon Train Agent, and to defray the landing and other charges for cartage, &c. on the same, subject to realization from the Addressees (with the Bullock Train hire) on the delivery of the articles.

All Packages thus received will be forwarded on to the Addressees by Government Bullock Train with every care and expedition, and Shippers are requested to send me the Bills of Lading accordingly, and Consignees to instruct their Agents on the subject.

E. C. GEORGE,

Offg. Post-Master, and Offg. Govt.

Steam and Govt. Waggon Train Agent.

ALLAHABAD,  
 The 23rd August 1859.



Notices issued by the  
Post-Master General of Bengal.

No. 3920.

UNDER instructions from the London General Post Office, all Letters, Newspapers, and Printed Papers addressed to Portugal, Madeira, the Azores, the Cape de Verd Islands, and the other Portuguese Possessions on the Coast of Africa will, in future, be sent in the Mails for Gibraltar, and all such correspondence will be charged with only the Indian Inland Rate of Postage which must be pre-paid.

C. K. DOVE,  
Post-Master General of Bengal.

CAMP JUNGYPORE, }  
The 30th August 1859. }

No. 3923.

UNDER instructions from the London General Post Office, all Letters sent *vid* Southampton to Monte Video or any other part of the Republic of the Uruguay will, in future, be charged 11d. or 7 annas 6 pie per half ounce, and when such Letters are intended to be forwarded *vid* Marseilles, an additional charge of 3d. or 2 annas per quarter ounce will be made.

The above rate of Postage must in all cases be pre-paid.

C. K. DOVE,  
Post-Master General of Bengal.

CAMP JUNGYPORE, }  
The 30th August 1859. }

Notices issued by the  
Post-Master of Calcutta.

No. 1663.

The 23rd August 1859.—The Overland Mail per Steamer *Bentinck*, will be closed on Thursday, the 8th proximo, at 6 p. m.

Letters for Madras, Ceylon, the Straits, China, Mauritius and Australia, can be sent by this opportunity.

	Weight.		<i>Via</i> Marseilles.		<i>Via</i> Southampton.
Postage.	Under $\frac{1}{4}$ ounce	Rs.	0 6 0	Rs.	0 0 0
	" $\frac{1}{2}$ "	"	0 8 0	"	0 4 0
	" $\frac{3}{4}$ "	"	0 14 0	"	0 0 0
	" 1 "	"	1 0 0	"	0 8 0
	" 2 "	"	2 0 0	"	1 0 0

No. 1855.

The 3rd September 1859.—There will be no After-Packet per Steamer *Bentinck* on the 9th. The Pilot expects to proceed to Sea the same day.

No. 1969.

The 2nd September 1859.—Notice is hereby given, that the Mail for Chittagong, for transmission per Bengal Pilot Vessel *Guide*, will be closed at this Office on Wednesday, the 14th instant, at 6 p. m.

It is hereby notified that, unless marked for particular Ships, all letters received at the General Post Office, between Monday, the 29th August 1859, and Sunday, the 4th September 1859, both dates inclusive, were despatched by the under-mentioned Vessels which sailed from Calcutta on dates specified.

Letters received on dates from and to	By what Ship despatched.	Bound to	REMARKS.
29th to 2nd September 1859	<i>Undaunted</i> ...	Cape of Good Hope	Left Town on the 3rd September 1859.
29th to 4th September 1859	Steamer <i>Baltic</i> ..	Akyab, Rangoon and Moulmein ..	Left Town on the 5th September 1859.
29th to 3rd September 1859	Ship <i>Catherine Apcar</i> ..	Mauritius ..	Left Town on the 4th September 1859.
29th to 3rd September 1859	" <i>Alladin</i> ...	Melbourne ..	Left Town on the 4th September 1859.

The 6th September 1859.

**Notices issued by the Post-Master General, North-Western Provinces.**

*LIST of Unclaimed Bullock Train Packages lying at the Office of the Post-Master General, North-Western Provinces, which will be sold by Public Auction to defray expenses, if not claimed within three months from this date.*

No.	Description of Packages.	Address.	Particulars.
1	1 Chest	Without address	Green Tea.
2	1 Box	Colonel Campbell, Commanding at Dinapore	2 Dozen and 11 Bottles Liquor.
3	1 Box	Arthur J. Ceely, Royal Highlanders	A Portmanteau containing Clothing.
4	1 Bullock Trunk	Without address	Containing Papers.
5	1 Tin Box	Ditto	Containing 3 vols. Materia Medica.
			1 Druggist's Receipt Book.
			1 Manual of Chemistry.
6		Ditto	1 Camp Table.
7		Ditto	Four Bamboo handles for Spears.
8		Ditto	A large Vice for Carpenters.
9		Ditto	An old Saddle and Bridle.
10	1 Box	Bailey, Esquire, Veterinary Surgeon, 9th Lancers	A large black Box, iron bound, contents unknown.
11	1 Box	Mr. Jones	A deal Box containing Clothing.
12	1 Ditto	Captain Dawson	1 Chest of Beer.
13	1 Ditto	Ditto	2 Dozen and 11 Bottles Sherry.
14	1 Ditto	W. Death, Esquire, Veterinary Surgeon, Military Train	Medical Stores.
15		Without address	A Dragoon Saddle.
16	1 Bag	Umeer Sing	A Bag containing Daighees, Kettles, Sauce Pans, &c.
17	1 Box	Lieutenant Beale, 10th Foot	Pipes and Tobacco.
18	1 Ditto	G. Henderson, Veterinary Surgeon.	Containing a Revolver, Pouch, Books, &c.
19		Without address	Native iron articles.
20	1 Box	Captain J. A. Willis	Containing 6 Bottles Sauce, 1 broken.
21	1 Ditto	George G. Pearse, Esquire	1 Pair Cloth and 1 Pair Riding Boots.
22	1 Ditto	Officer Commanding European Troop	4 Linch Pins and 4 iron Washers for Gun Carriages.
23		Chapman, Esquire, C. S.	Crockery.
24		Without address	Native Clothing, &c.
25		Ditto	A Camp Table and Chick.
26	1 Bag	Captain Meade, 8th Kings	A Hog Spear.
27		Without address	A Camp Table.
28		Ditto	Part of a Tent.
29		Ditto	Floor Cloth.
30		Ditto	A Durrce, &c.
31		Ditto	Part of a Tent.
32		Ditto	A Durrce, &c.
33		Ditto	Some Books and Stationery, partially destroyed by fire.
34	1 Box	Ditto	Containing Papers and Memoranda to the address of Major Brooke, Her Majesty's 31st Regiment.
35	1 Ditto	Ditto	A small Writing Case, containing a few letters addressed Mrs. J. Hind, 26th Native Infantry.
36	1 Ditto	Ditto	A Sword in steel scabbard and a Tulwar, also a Dagger.
37	1 Ditto	Ditto	Property partially destroyed by fire. Crockery, Brass Utensils, a plated Bread Basket or Knife Box, Stationery, &c.
38	1 Ditto	Ditto	An empty Gun Case.

*LIST of Unclaimed Banghy Parcels lying at the Office of the Post Master General, North-Western Provinces, which will be sold by Public Auction to defray expenses, if not claimed within three months from this date.*

No.	Description of Packages.	Address.	Particulars.
1	Parcel	Lieutenant Williams, refused	An Air Pillow.
2	Ditto	Ramdeen Zabin Chund, refused	2 Pieces of Cloth and 25 Australian Sovereigns.
3	Ditto	Captain Bird, Assistant Commissioner, Sultanpoor	Note Paper and Envelopes.
4	Ditto	Without address.	A Bottle, contents unknown.
5	Ditto	F. Peterson, (refuse)	3 Dozen gilt Staff Buttons.
6	Ditto	Without address	1 Galvanic Brush and Comb, and a bottle of Ellectromire.
7	Ditto	Mohomed Cassim	Medicine.
8	Ditto	Captain Stewart, 6th Irregular Cavalry	2 Packets of Visiting Cards.
9	Ditto	W. H. Eccles, 2nd Battalion R Brigade	Cricket Balls and Bats.
10	Ditto	A Chardon	2 Packets of Pipes and Tobacco.
11	Ditto	Premsookh	Native Poojah Articles.
12	Ditto	Meer Zulfier Mohomed Beg	1 Mogul Cap.
13	Ditto	Mrs. Permant	2 Caps.
14	Ditto	Captain Wood, C. I. F. F.	1/2 a Ream of Paper.
15	Ditto	Ditto	1 Ditto ditto.
16	8 Packets	Officer Commanding V. Battery Rifle Artillery, refused	Flower and Vegetable Seeds.
17	1 Parcel	Munkoo Sing	Native Shoes.
18	Ditto	Master Hutchinson	1 Jacket and Neck Ribbons.
19	Ditto	Augha Yakoob	Native Shoes.
20	Ditto	Lieutenant A. Elderton, refused	2 Bottles Curry Paste.
21	Ditto	Lieutenant Pane	2 Surgical Articles.
22	Ditto	Captain A. Fergusson	1 Bundle Almanacs. 1 Bundle Quills 1 Stone Bottle Ink. 4 Benares Duputtah. 1 Piece Kinkhab. 1 Syringe.
23	Ditto	Meer Ahmed Khan, Peshawur	1 Bridle.
24	Ditto	Without address	Paper.
25	Ditto	Dr. Hare, (refused)	3 Balls Shoe-makers' Thread.
26	Ditto	Mr. Crayden, Saddler, Simlah, (refused)	3 Pairs Check Pantaloon.
27	Ditto	3rd Sikh Infantry, refused	Shoes and a Tin Case.
28	Ditto	Corporal Knox, 71st Regiment	Fish.
29	Ditto	Without address	2 Pairs Regimental Pantaloon.
30	1 Parcel	Mrs. Brenun	1 Small box containing Pebbles and Crystals, and 1 small piece of Gold.
31	1 Ditto	Lachmun Rao	3 Cakes of Paints.
32	1 Ditto	Major A. Light, 21st Field Battery, refused	1 Tin Canister, contents unknown.
33	1 Ditto	Without address	
34	1 Ditto	T. D. Madden, Esquire	
35	1 Ditto	Baboo Womachurn Chatterjee	

G. PATON,  
Post-Master General, N. W. P.



# The Calcutta Gazette.

SATURDAY, SEPTEMBER 10, 1859.

## Legislative Council of India.

THE 3RD SEPTEMBER 1859.

THE following Act, passed by the Legislative Council of India, received the assent of the Right Honorable the Governor General on the 31st August 1859, and is hereby promulgated for general information :—

Act No. XX of 1859.

*An Act for the suppression of Outrages in the District of Malabar in the Presidency of Fort St. George.*

WHEREAS in the District of Malabar in the Presidency of Fort St. George, murderous outrages have been frequently committed by persons of the class called Moplas, the offenders in such outrages intending therein to sacrifice their own lives ; and the general law of the country is not adequate to suppress such outrages : It is enacted as follows :—

I. Act XXIII of 1854 (for the suppression of outrages in the District of Malabar in the Presidency of Fort St. George) and Act V of 1856 (to give effect to Act XXIII of 1854 from the time of its promulgation in the District of Malabar, and to extend the application thereof in future) are hereby repealed, except as to acts done and proceedings taken before the issue of a proclamation under the provisions of Section II of this Act.

II. It shall be lawful for the Governor in Council of Fort St. George, whenever he shall see fit, by a proclamation published in the Fort St. George Gazette, from time to time to declare the whole or any part or parts of the District of Malabar to be subject to the operation of all or any of the following provisions.

III. Any Mopla who murders or attempts to murder any person or who takes part in any outrage directed by Moplas against any persons wherein murder is committed or is attempted to be committed or is likely to be committed ; and any person who shall procure or promote the commission of any such crime as aforesaid, or shall incite or encourage any other person or persons to commit the same ; or who, after having committed, or having been accessory to any such crime as aforesaid, shall forcibly resist any person or persons having lawful authority to apprehend him ; or who shall join or assist, or incite or encourage other persons to join or assist in such resistance, shall, on conviction thereof, be liable not only to the punishment provided by law for the offence of which he may be convicted, but also to the forfeiture of all his property, of whatever kind, to Government, by the sentence of the Court by which he is tried.

Also the property of persons killed in committing outrages, and whenever any person shall be killed in the act of committing any such offence as aforesaid, or being wounded and taken prisoner in the act of committing any such offence as aforesaid, shall afterwards die of his wounds, it shall be competent to the Court which would have had cognizance of the offence if the offender could have been brought to trial, to proceed, on the application of the Magistrate, to hold an inquest into the circumstances of the death of the offender ; and on proof of his having been killed as aforesaid, or of his having died of wounds received as aforesaid, to adjudge that the whole of his property shall be forfeited to Government.

IV. All immoveable property of the offender which shall be alienated after the passing of this Act and before the commission of any offence specified in Section III, shall be forfeited in the same manner as if no such alienation had been made, unless the same

Immoveable property of offender alienated within 12 months from passing of this Act and before commission of offence, to be forfeited.

shall have been made more than twelve months before the commission of the offence.

V. If any Mopla shall be sentenced to death

Bodies of offending Moplas sentenced to death, or killed, may be burned or buried within the precincts of the Jail. for any capital offence, punishable also with forfeiture of property under this Act, it shall be lawful for the Court, by which such offender is convicted, by its sentence, to direct the body of such offender to be burned or buried within the precincts of the Jail, as it shall see fit; and in like manner, if any Mopla shall be killed in the act of committing any such offence as aforesaid, or having committed any such offence as aforesaid shall be killed in resisting a lawful attempt to apprehend him, it shall be lawful for the Magistrate to cause the body of the person so killed to be burned or buried within the precincts of the Jail, as the said Magistrate shall see fit.

VI. The Governor in Council shall have, with

Powers of Governor in Council as to the confinement or trial of persons under this Act. respect to the confinement or trial of any person charged with or suspected of an intention to commit any offence punishable under this Act, the powers which are vested in him by any law regarding the confinement or trial of persons charged with or suspected of State offences; and the provisions of any such law shall be applicable to all cases in which the Governor in Council shall proceed under the authority of this Section.

VII. The Magistrate of the District may cause

Magistrate how to act in respect to persons against whom he thinks there are grounds of proceeding. any Mopla or other person, against whom there are in his judgment grounds of proceeding under the last Section, to be apprehended, and after such enquiry as he may think necessary, may detain such Mopla or other person in safe custody, until he shall have received the orders of the Governor in Council, to whom in all such cases he shall report his proceedings without unnecessary delay.

VIII. If, with the previous consent of the

Penalty for remaining or returning within forbidden limits. Governor in Council, any person, against whom the Governor in Council shall think fit to proceed under Section VI, shall undertake, in consideration of the suspension of such proceedings, to depart within a specified period from within the limits of the Continent of India or of any part thereof, and shall in breach of his said undertaking, and without the permission of the Governor in Council, remain or return within such limits, he shall be liable to be punished with imprisonment, with or without hard labor, for a period which may extend to seven years, or with fine, or both.

IX. Whenever any such outrage, as is specified

Levy of compensation or fine. in Section III of this Act, the same being punishable under this Act, shall after such proclamation as aforesaid, have been committed by any Mopla or Moplas, it shall be lawful for the Magistrate, with the sanction of the Governor in Council, to levy such sum of money as the Governor in Council shall authorize, from all the Moplas within the umshum or the several umshums to which the perpetrator or perpetrators,

or any one of such perpetrators of such outrages, shall be found to belong, or wherein any such perpetrator shall have been resident at the time of the commission of the outrage and also within the umshum in which the outrage shall have been committed; and the said Magistrate shall assess the proportions in which the said sum shall be payable upon the several heads of families of Moplas within such umshum or umshums, according to his judgment of their respective means; and the said Magistrate shall appropriate the sum so levied as follows, that is to say, in the first place, to the compensation of the parties aggrieved by such outrages, including therein compensation to the family of any person dying by any such outrage for the pecuniary loss occasioned or likely to be occasioned by such death; and, subject to such compensation, to the use of the Government.

X. Whenever any such outrage as is specified

Penalty for Mopla inhabitants of any umshum refusing to deliver up an offender. in Section III of this Act, the same being punishable under this Act, shall have been committed by any Mopla or Moplas, it shall be lawful for the Magistrate to call upon the Mopla inhabitants of the umshum or umshums to which the perpetrator or perpetrators, or any one of such perpetrators of such outrage shall be found to belong, or wherein any such perpetrator shall have been resident at the time of the commission of the outrage, or wherein any such perpetrator shall, after the perpetration of any such outrage, be found, to deliver up such perpetrator or perpetrators, and on the failure of such Mopla inhabitants to comply with such call so made upon them by the Magistrate, it shall be lawful for the Magistrate, with the sanction of the Governor in Council, to levy from such Mopla inhabitants such sum of money as the Governor in Council shall authorize as prescribed in the last preceding Section of this Act, and all sums so levied shall be appropriated in the manner prescribed in that Section.

XI. All fines and pecuniary liabilities incurred

Fines &c. how to be levied. under this Act may be levied by a Magistrate under summary process, in the same manner as the public revenue may be realized by a Collector; and no action shall lie in any Civil Court against the Magistrate in respect of any fine imposed, or any assessment made under this Act, or in respect of the levy of any portion of such fine from the person or persons upon whom the same shall have been assessed.

XII. It shall be lawful for the Governor in

Parts of District may be withdrawn from the operation of the Act, and again made subject to it. Council, by such proclamation as aforesaid, from time to time, to withdraw from the operation of the provisions of this Act any part or parts of the said District which he may previously have declared to be subject thereto; and in like manner, as occasion shall require, to subject the same part or parts again to the operation of such provisions, or of any of them.

XIII. The provisions of this Act shall continue

Duration of Act. in force until the end of the year 1869.

W. MORGAN,  
Clerk of the Council.

THE 3RD SEPTEMBER 1859.

THE following Act, passed by the Legislative Council of India, received the assent of the Right Honorable the Governor General this day, and is hereby promulgated for general information :—

ACT No. XXI of 1859.

*An Act for providing for the exercise of certain powers by the Governor General during his absence from his Council.*

WHEREAS the Governor General in Council has declared that it is expedient that the Governor General should visit the North-Western Provinces of the Presidency of Fort William in Bengal, and other parts of India, unaccompanied by any Member of his Council ; It is enacted as follows :—

I. During the absence of the Governor General from his Council, it shall be lawful for the Governor General alone to exercise all the powers which might be exercised by the Governor General in Council, in every case in which the said Governor General may think it expedient to exercise those powers.

II. All powers vested in the Governor General in Council by any Act of the Government of India, may be lawfully exercised by the President in Council.

III. This Act shall commence from the day on which it shall be notified by an order published in the Official Gazette, that the Governor General has quitted Calcutta for the purpose of so proceeding as aforesaid ; and shall not continue in force for a longer period than seven months.

W. MORGAN,  
Clerk of the Council.

THE 3RD SEPTEMBER 1859.

THE following Act, passed by the Legislative Council of India, received the assent of the Right Honorable the Governor General this-day, and is hereby promulgated for general information :—

ACT No. XXII of 1859.

*An Act to amend Act I of 1852 (for the consolidation and amendment of the Laws relating to the Customs under the Presidency of Bombay.)*

WHEREAS it is expedient to amend Act I of 1852 (for the consolidation and amendment of the Laws relating to the Customs under the Presidency of Bombay) ; It is enacted as follows :—

I. Section XX of Act I of 1852, and so much of Schedule A annexed to the said Act as prescribes the rate of Duty to be charged on Salt imported by Sea into any Port of the Presidency of Bombay, are repealed.

II. All the provisions now in force of the above-mentioned Act which have reference to the Customs Duty now charged and leviable on Salt imported by Sea into any Port of the Presidency of Bombay, shall be taken to have reference to the Duty prescribed in the Schedule annexed to this Act.

III. Spirits exported from any Port within the British Territories in India, and imported at any Port subordinate to the Government of Bombay, shall be liable on importation to the same rate of Duty as the Governor in Council of Bombay may from time to time impose under Act III of 1852 or any future enactment on Spirits manufactured within the Presidency of Bombay. Provided always that, if the said Spirit be accompanied by a document signed by competent authority, certifying that a Duty whether of Customs or otherwise has been paid on the said Spirit within the British Territories in India, credit shall be allowed for the sum so paid in settling the Customs at the Port of import, and if such sum equal or exceed the full amount leviable on import, then the Spirits on which such Duty has been paid shall be admitted to free Duty.

IV. This Act shall be construed as part of the said Act I of 1852 ; and any Construction of Act subsequent to Act I of 1852 which refers to that Act shall be construed to refer to that Act as hereby altered. And any Act which refers to Section XX of Act I of 1852 shall, as to all matters arising after the passing of this Act, have the same effect as if it referred to Section III of this Act.

#### SCHEDULE.

Rate of Duty to be charged on Salt imported by Sea into any Port of the Presidency of Bombay from any Port or place not subject to the Government of India, or from Aden, or from any Port or place in the Straits of Malacca.

Salt not covered } 1 Rupee per Indian Md.  
by a Pass..... }

W. MORGAN,  
Clerk of the Council.

THE 3RD SEPTEMBER 1859.

THE following Act, passed by the Legislative Council of India, received the assent of the Right Honorable the Governor General this-day, and is hereby promulgated for general information :—

ACT No. XXIII of 1859.

*An Act to alter the rates of duty on goods imported or exported by land from certain Foreign Territories into or from the Presidencies of Madras and Bombay respectively.*

WHEREAS it is expedient to fix the duties of Land Customs on goods passing into or from the Presidency of Fort Saint George or the Presidency of Bombay from or into Foreign Settlements on the line of Coast at the same rates as the duties of Sea Customs specified in Schedules A and B annexed to Act VII of 1859 ; It is enacted as follows :—

I. Section VI of Act VI of 1844 (for revising the duties on imports and exports in the Presidency of Fort Saint George) and Section II of Act XXIX of



1857 (to make better provision for the collection of Land Customs on certain Foreign Frontiers of the Presidency of Bombay) are hereby repealed, except so far as they respectively relate to Salt or Opium which shall remain subject to the same rates of duty or shall be prohibited without a pass, as the case may be, as if this Act had not been passed.

Exception. Duties of Customs shall be levied on goods passing by land into or out of certain Foreign Settlements situate within the limits of the Madras Presidency.

II. Duties of Customs shall be levied on goods passing by land into or out of Foreign Settlements situate on the line of Coast within the limits of the Presidency of Fort Saint George, at the rates prescribed in Schedules A and B of Act VII of 1859 (to alter the Duties of Customs on goods imported or exported by Sea). And all the provisions of Act VI of 1844 now in force relating to the rates of duty mentioned or referred to by Section VI of that Act, are hereby declared to apply to the rates of duty mentioned in Schedules A and B of the said Act VII of 1859, as if such last mentioned rates had been specially mentioned in that Section.

III. Duties of Customs shall be levied on goods passing by land into or out of Foreign Settlements situate on the line of Coast within the limits of the Presidency of Bombay, at the rates prescribed in Schedules A and B of the said Act VII of 1859, and all the provisions of Act XXIX of 1857, now in force, relating to the rates of duty referred to by Section II of that Act, are hereby declared to apply to the rates of duty mentioned in Schedules A and B of the said Act VII of 1859, as if such last mentioned rates had been specially mentioned in that Section.

W. MORGAN,  
Clerk of the Council.

THE 6TH SEPTEMBER 1859.

THE following Act, passed by the Legislative Council of India, received the assent of the Right Honorable the Governor General this-day, and is hereby promulgated for general information:—

ACT No. XXIV OF 1859.

An Act for the better regulation of the Police within the territories subject to the Presidency of Fort St. George.

WHEREAS it is expedient to make the Police force throughout the Madras Presidency a more efficient instrument at the disposal of the Magistrate for the prevention and detection of crime, and to re-organize the Police Force and improve the condition of the Village Police: it is enacted as follows:—

I. The following words and expressions in this Act shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction, (that is to say),

The word "Magistrate" shall include all persons, within their respective jurisdictions, exercising all or any of the powers of a Magistrate.

The word "Subordinate," as applied to Police functionaries, shall mean District Superintendents and their Assistants.

The word "Police" shall include General and Village Police, Cuttoobadies, Kavilgars, and all other persons, by whatever name known, who exercise any Police functions throughout the Madras Presidency.

The expression "General Police District" shall embrace all Districts to which the operation of this Act shall be extended.

The word "property" shall include any chattel, money, or valuable security.

Words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number.

Gender. Words importing the masculine gender shall include females.

"Person." The word "person" shall include company or corporation.

"Month." The word "month" shall mean calendar month.

The word "cattle" shall, besides horned cattle, include Elephants, Camels, Horses, Asses, Mules, Sheep, Goats, and Swine.

II. The several Regulations and Acts mentioned in the Schedule hereunto annexed are hereby repealed, and amended to the extent and in the manner therein set forth, within the limits of the General Police District, except so far as they repeal the whole or any part of any other Regulation or Act; and except as to any act or offence which shall have been done or committed, or to any fine or penalty which shall have been incurred or to any proceedings which shall have been commenced, before this Act shall come into operation: provided also that nothing in this Section shall be construed to affect any judicial function or jurisdiction, original or appellate, which by any existing law may be exercised by any of the Officers mentioned in the enactments above repealed.

III. Nothing contained in this Act shall affect the powers of appointment given to Magistrates by Section XI of Regulation XI 1816 of the Madras Code or the jurisdiction or functions of Officers appointed under such powers, save only that no Officer so appointed shall be competent to exercise any of the functions or duties of Executive Police Officers.

IV. The superintendence of the Police throughout the General Police District shall vest in, and be exercised by the Governor in Council, and, except as authorized by him, under the provisions of this Act, no person, Officer, or Court shall be empowered to appoint, supersede, or control any Police functionary, any Regulation Act or usage to the contrary notwithstanding.

V. The administration of the Police throughout the General Police District shall be vested in an Officer to be styled the Inspector-General of Police for the Presidency of Madras, and in such Subordinates as to the Governor in Council shall seem fit, who shall from time to time be appointed by the Governor in Council, and may be removed by the same authority, and who shall receive such salary as the Governor General of India in Council shall allow.

VI. All powers not inconsistent with the provisions of this Act which up to the passing of this Act belonged by law to the existing Police authorities shall be vested in the Police authorities appointed under this Act. Provided always that no Police functionary so appointed shall possess or exercise any Judicial or Revenue authority.

VII. The Inspector-General of Police shall be appointed a Justice of the Peace; he shall also have the full powers of a Magistrate throughout the General Police District, but shall exercise those powers subject to such orders as may from time to time be issued by the Governor in Council. The Governor in Council may vest any District Superintendent of Police with all or any of the powers of a Magistrate within such limits as he may deem proper; but such Superintendent shall exercise the powers with which he shall be so invested only so far as may be necessary for the preservation of the peace, the prevention of crime, and the detection, apprehension, and detention of offenders in order to their being brought before a Magistrate, and as far as may be necessary for the performance of the duties assigned to him by this Act.

VIII. The entire Police establishment of the Madras Presidency shall for the purposes of this Act be deemed to be one Police Force, and shall be formally enrolled, and shall consist of such number of Officers and men, and shall be otherwise constituted in such manner, as shall be from time to time ordered by the Governor in Council with the sanction of the Governor General of India in Council.

IX. The Inspector-General may from time to time, subject to the approval of the Governor in Council, frame such orders and regulations as he shall deem expedient, relative to the general government and distribution of the Force, the places of residence, the classification, rank, distribution, and particular service of the Members thereof, their inspection; the description of arms, accoutrements, and other necessities to be furnished to them; to the collecting and communicating intelligence and information; and all such other orders and regulations relative to the said Police Force as the said Inspector-General shall, from time to time, deem expedient for preventing abuse or neglect, and for rendering such Force efficient in the discharge of all its duties.

X. The appointment of all Police Officers shall, under such rules as the Governor in Council shall from time to time sanction, rest with the Inspector-General of Police and the Deputy Superintendents, who may under such rules as aforesaid at any time dismiss, suspend, or fine to any amount not exceeding one month's pay, any Police Officer whom they shall think remiss or negligent in the discharge of his duty, or otherwise unfit for the same.

XI. Every person so appointed shall receive on his enrolment a certificate (A) under the seal of the Inspector-General, by virtue of which he shall be vested with the powers, functions, and privileges of a Police Officer. Such certificate shall cease to have effect whenever the person named in it is suspended or dismissed, or otherwise removed from employment in the Police Force, and shall thereupon be immediately surrendered to his superior Officer, or other person empowered to receive it.

XII. There shall be deducted from the pay of every Police Officer of a class not entitled to the benefit of the Uncovenanted Service Pension Rules, a sum after such rate as the Governor in Council shall direct, not being a greater rate than one anna in the Rupee; which sum so deducted and also the monies accruing from stoppages from the pay of Police Officers during absence from sickness or other cause, and fines imposed on Police Officers for misconduct, and from fines imposed by Magistrates and others upon drunken persons, or for assaults upon Police Officers, and all monies arising from the sale of worn or cast-off clothing, or other articles supplied for the use of the Police, or from any other miscellaneous sources which shall be permitted by the Governor in Council, shall from time to time be invested in such manner and in such securities as the Governor in Council may direct, and the interest and dividends thereof, or so much of the same as shall not be required for the purposes herein mentioned, shall be likewise invested as aforesaid, and accumulate, so as to form a Fund to be called "The Police Superannuation Fund"; and shall be applied from time to time to the payment of superannuation or retiring allowances, or gratuities, under such rules as may be passed by the said Governor in Council: provided always that any Police Officer may be dismissed or removed without superannuation allowance; and that no Police Officer shall be entitled of right to any allowance from this Fund; or shall retain any right to a refund of any deduction made from his pay while he may have been a Police Officer.

XIII. It shall be lawful for the Inspector-General of Police, or any District Superintendent, if they shall think fit, on the application of any person showing the necessity thereof, to depute any additional number of Police Officers to keep the peace at any place within the General Police District, at the charge of the person making the application, but subject to the orders of the said Inspector-General or District Superintendent and for such time as they shall think fit;

provided always that it shall be lawful for the person on whose application such deputation shall have been made, on giving one month's notice in writing to the Inspector-General or District Superintendent, to require that the Officers so appointed shall be discontinued : such person shall be relieved from the charge of such additional Force from the expiration of such notice.

XIV. Whenever any Railway, Canal, or other Public work shall be carried on, or be in operation in any part of the country, and it shall appear to the Inspector-General that the appointment of an additional Police Force in such neighbourhood is rendered necessary by the behaviour or reasonable apprehension of the behaviour of the persons employed upon such work, it shall be lawful for the Inspector-General, with the consent of the Governor in Council, to direct the employment of such additional Force, and to maintain the same so long as such necessity shall continue ; and to make orders from time to time upon the Treasurer or other Officer having the control or custody of the Funds of any Company carrying on such works, for the payment of the extra Force so rendered necessary as aforesaid.

XV. All monies paid in respect of such additional Force as is mentioned in the two last preceding Sections, shall be paid into a fund to be called " The General Police Fund," and shall be applied to the maintenance of the Police Force under such orders as the Governor in Council may pass ; and all sums of money payable under those Sections shall be recoverable by suit in any competent Court or by distress and sale of the goods of the defaulter under the warrant of a Magistrate.

XVI. When it shall appear that any tumult, riot, or outrage has taken place, or may be reasonably apprehended in any place, and that the ordinary Officers appointed for preserving the peace are not sufficient for its preservation, and for the protection of the inhabitants, and the security of property in such place, it shall be lawful for any Police Officer not below the rank of Inspector to apply to the nearest Magistrate to appoint so many of the public or village servants, or residents of the neighbourhood, as such Police Officer may require to act as special Police Officers for such time and in such manner as he shall deem necessary ; and it shall be the duty of such Magistrate at once to comply with such applications.

XVII. Every special Police Officer so appointed shall have the same powers, privileges, and protection, and be liable to all such duties and penalties, and be subordinate to the same authorities as the ordinary Officers of Police.

XVIII. If any person being appointed a special Police Officer as aforesaid, shall without sufficient excuse neglect or refuse to serve as such, or to obey such lawful order or direction as may be given him for the performance of his duties, he shall be liable upon conviction before a Magistrate to a fine not exceeding fifty Rupees for such neglect, refusal, or disobedience.

XIX. No Police Officer shall be at liberty to resign his office, or withdraw himself from the duties thereof, unless expressly allowed to do so in writing by the District Superintendent ; or unless he shall have given to his superior Officer two months' notice in writing of his intention to do so. Nor shall any such Police Officer engage in any employment or office whatever, other than his duties under this Act, unless expressly permitted to do so in writing under the seal of the Inspector-General.

XX. From and after the passing of this Act, every person, not being, or having ceased to be, a duly enrolled Police Officer, who shall unlawfully assume any function or power belonging to the Police ; and who shall not forthwith deliver up his certificate, and all the clothing, accoutrements, and appointments, and other necessities which may have been supplied to him for the execution of his duty ; or who shall have in his possession any distinctive article of the dress or appointment directed to be worn exclusively by the Police Force, without being able to account satisfactorily for his possession thereof ; or who shall put on the dress of any Police Officer, or any dress designed to represent it, or to be taken for it ; or who shall otherwise personate the character or act the part of any Police Officer for any purpose whatever ; shall, in addition to any other punishment to which he may be liable for any offence committed under the assumed character, be liable on conviction before a Magistrate to a penalty not exceeding two hundred Rupees, or to imprisonment, with or without hard labor, for a period not exceeding six months, or both.

XXI. Every Police Officer shall, for all purposes in this Act contained, be considered to be always on duty and shall have the powers of a Police Officer in every part of the General Police District. It shall be his duty to use his best endeavours and ability to prevent all crimes, offences, and public nuisances ; to preserve the peace ; to apprehend disorderly and suspicious characters ; to detect and bring offenders to justice ; to collect and communicate intelligence affecting the public peace ; and promptly to obey and execute all orders and warrants lawfully issued to him.

XXII. It shall be the duty of every Police Officer, and he is hereby authorized, to arrest without warrant—

1. Any person who is charged on credible information, or whom he has reasonable ground to suspect of having been concerned in any grave or forcible crime or outrage.

2. Any person who is charged with committing an aggravated assault, in every case in which he shall have good reason to believe that such assault has been committed, although not in his view, and that by reason of the recent commission of the offence a warrant could not have been issued

3. Any person committing, or attempting to commit, any breach of the peace in his view, and who refuses to desist on being required thereto.

Persons committing a breach of the peace.

4. Any person found injuring the public buildings, roads, tanks, and water-channels, or committing any offence punishable by law. Provided always that, where such offence is of a slight and petty nature, it shall not be necessary for the Police Officer to arrest, if, from the circumstances of the case, there is no reason to apprehend that the party will abscond.

Persons found injuring public buildings, &c.

5. Any vagrant whom he shall find disturbing the public peace, or whom he shall have good cause to suspect of having committed or being about to commit a crime; all persons whose name and residence is unknown, or whom he may find by night lying or loitering in any high-way, road, or other place, and who, in either case, are unable to give a satisfactory account of themselves.

Proviso.

6. Any person who assaults, resists, or obstructs such Police Officer in the execution of his duty, or aids or excites others so to do.

Vagrants and suspicious persons.

7. All persons who, having been in legal custody, shall have escaped therefrom.

Persons escaping from legal custody.

8. All persons who are charged with having done any injury or damage to the person or property of another, and who refuse to give their name and residence, or who give one which there is ground to believe to be false, may be detained solely for the purpose of ascertaining such name and residence, with a view to future proceedings.

Persons charged with an offence, refusing to give name.

XXIII. Every person taken into custody by any Police Officer, without warrant, except persons detained for the mere purpose of ascertaining their name and residence, shall forthwith be delivered into the custody of the Police Officer in charge of a Station House, in order that such person may be secured until he can be brought before a Magistrate to be dealt with according to law, or may give bail for his appearance before a Magistrate, if the Officer in charge shall deem it prudent to take bail as hereinafter mentioned; provided always that, where bail is not taken, the prisoner shall be brought before a Magistrate within twenty-four hours, unless circumstances render delay unavoidable.

Persons arrested without warrant to be taken to Station house until brought before Magistrate or bailed.

Proviso.

XXIV. Whenever any person shall be brought in custody, without a warrant, to any Station House, at a time when he cannot at once be sent before a Magistrate, and shall be charged with any bailable offence, or with any unbailable offence of which it shall appear to the Officer in charge of the Station House that the prisoner is falsely accused, it shall be lawful for such Police Officer to release the accused on bail or on his own recognizance to appear before the Magistrate

Releasing on bail.

XXV. It shall be lawful for every Police Officer in charge of a Station, or other superior Officer of Police, to bind by recognizance any person to appear as prosecutor or as a witness before the Magistrate by whom any grave charge is being or is about to be investigated; and if any such prosecutor or witness shall refuse to execute such recognizance, it shall be competent to such Officer to forward the person in custody to the Magistrate's Court.

Superior Officer of Police may take recognizance for appearance of prosecutor or witness.

XXVI. Every recognizance so taken shall be without fee or reward and shall be conditioned for the appearance of the person thereby bound before a Magistrate at such time and place as may be required, and the time and place of appearance, and the sum thereby acknowledged, not exceeding one thousand Rupees, shall be specified in the said recognizance, or in the condition thereof; and the Officer taking the recognizance shall return the same forthwith to the Magistrate present at the time and place when and where the party is bound to appear.

Condition of recognizance.

XXVII. If from the absence of witnesses, or from any other reasonable cause, it shall become necessary or advisable to defer the examination of any case, or the further examination of any witnesses, it shall be lawful for any Magistrate from time to time by his warrant to remand the accused to the custody of any Police Officer, for such time as he shall deem necessary and reasonable, not exceeding eight clear days, to be secured in any Station House or jail or to be otherwise detained in custody as to the said Magistrate shall appear expedient: provided always that any such Magistrate may order such accused party to be brought before him at any time or place before the expiration of the time for which such accused party shall have been remanded; or may discharge such accused party on his recognizances, with or without sureties, conditioned for his appearance at the time and place appointed for such further examination.

Remands.

Proviso.

XXVIII. It shall be lawful for any Police Officer without a warrant to enter and inspect all drinking shops, gaming houses, and other resorts of loose and disorderly characters; all premises of persons suspected of receiving stolen property; any locality, vessel, boat, or conveyance in any part of which places he shall have just cause to believe that crime has been, or is about to be committed; or which he reasonably suspects to contain stolen property; and then and there to take all necessary measures for the effectual prevention and detection of crime; and to take charge of all property reasonably suspected to have been stolen, and of all articles or things which may serve as evidence of the crime supposed to have been committed.

Entering drinking shops &c. without a warrant.

XXIX. Every Police Officer, not below the grade of Inspector, shall be an Inspector of weights and measures, and may enter any shop or premises for the purpose of inspecting the weights and measures and instruments for weighing kept or used therein, and may seize any weight, measure, or instrument for

Inspection of weights and measures.

weighing, which he may have reason to believe is false.

XXX. No Police Officer shall receive any complaint of any petty offence; or take into his custody any person brought to him accused of such petty offences, trespass, assault, quarrelling, or the like; and it shall be lawful for any Police Officer to refuse to receive any charge of an offence of a grave character, if he shall, on enquiry made of the complainant alone, see good grounds for doubting its truth: provided always that, if the charge be not of such a nature as under ordinary circumstances would justify the Police Officer in refusing to receive it, the particular reasons for refusing it are to be recorded by such Officer at the time.

XXXI. It shall be lawful for any Police Officer to lay any information before the Magistrate, and to apply for summons, warrant, search warrant, or such other legal process as may by law issue, and may be expedient under the circumstances, against any person committing an offence against any law or enactment, or against any regulation for the protection of the Revenue, or against any person committing or failing to remove any public nuisance or unwarrantable obstructions, keeping disorderly houses, harbouring thieves, disturbing the peace, obstructing the due course of justice, and the like, and to prosecute such offenders up to final judgment; provided always that any rewards, forfeitures, and penalties, or shares of rewards, forfeitures, or penalties, which by law are payable to informers, and all costs of prosecution which may by any enactment be awarded to the prosecutor, shall be paid into the "General Police Fund."

XXXII. From and after the passing of this Act, all summonses, warrants, search warrants, warrants of commitment for trial, or orders for the escort and conveyance of prisoners, and all other processes issued by any Officer in any Criminal proceeding, shall be directed and delivered to Officers of the Police alone; and such processes shall be served and executed by them and none others.

XXXIII. Where any such warrant, order, or process shall be directed or delivered to any of the said Officers, unless it be necessary for the due execution thereof that such warrant be executed without delay, the person receiving it shall deliver the same to any Officer authorized for that purpose, who shall take charge of it, and appoint by endorsement thereon one or more Police Officers to execute the same or endorse it to any other Officer for a like purpose; and every Police Officer whose name shall be so endorsed thereon shall have the same powers, privileges, and protection as if the same had originally been directed to him by name; provided also that every such process shall be executed with all secrecy and despatch; and shall have full force in any part of the Madras Presidency except within the limits of the Supreme Court, without further formality or local endorsement; and that all Police authorities shall every where be assisting in the execution of such process.

XXXIV. Every summons, notice, or other Criminal process may be served on the party named personally, or be left with some adult male member of his family, or a copy thereof may be affixed on some conspicuous part of his usual place of abode; and any party failing or neglecting to obey such summons or notice duly served, shall be liable, at the discretion of the Magistrate or Court that issued the process, to a penalty not exceeding ten Rupees unless such person shall be able to prove that he was prevented by unavoidable accident or other satisfactory cause from obeying such summons, notice, or the like.

XXXV. A Magistrate may, without issuing any summons, forthwith issue his warrant to bring before him any person charged with an offence cognizable by him, or whose attendance it may for any reason be necessary to enforce, whenever it shall appear probable that such person will not attend unless compelled so to do.

XXXVI. A Police Officer executing a warrant of arrest shall notify the substance of the warrant, and if required so to do shall show the warrant.

XXXVII. In making an arrest, the Police Officer executing the warrant shall actually touch or confine the body of the person to be arrested, unless there be a submission to the custody by word or action.

XXXVIII. After arrest the prisoner shall not be subjected to any more restraint than such as may be necessary to prevent his escape.

XXXIX. Any Police Officer authorized by a warrant to arrest a person accused of any offence for which a warrant may issue on complaint, may break open any outer or inner door or window of a dwelling house, whether that of the person accused or of any other person, in order to execute such warrant, if, after notification of his authority and purpose, and demand of admittance duly made, he cannot otherwise obtain admittance.

XL. If information be received that a person accused of any offence for which a warrant may issue, has concealed himself in a Zenanah or female apartment, the Officer employed to execute the warrant shall take such precautions as may be necessary to prevent the escape of the accused; and if such person shall not deliver himself up, the Police Officer authorized to execute the warrant, may break open the Zenanah, and execute the process intrusted to him, giving notice at the same time to any woman in the Zenanah that she is at liberty to withdraw.

XLI. After arrest made, the Police Officer executing the warrant shall without unnecessary delay bring the person arrested before the Magistrate or other authority described in the warrant.

Service of summonses, &c.

XXXIV. Every summons, notice, or other Criminal process may be served on the party named personally, or be left with some adult male member of his family, or a copy thereof may be affixed on some conspicuous part of his usual place of abode; and any party failing or neglecting to obey such summons or notice duly served, shall be liable, at the discretion of the Magistrate or Court that issued the process, to a penalty not exceeding ten Rupees unless such person shall be able to prove that he was prevented by unavoidable accident or other satisfactory cause from obeying such summons, notice, or the like.

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XLI. After arrest made, the Police Officer executing the warrant shall without unnecessary delay bring the person arrested before the Magistrate or other authority described in the warrant.

Party arrested to be brought immediately to the authority mentioned in the warrant.



**XLII.** No Police Officer shall offer to the person arrested any inducement, by threat or promise or otherwise, to make any disclosure. But no Police Officer shall prevent the person arrested, by any caution or otherwise, from making any disclosure which he may be disposed to make of his own free will.

**XLIII.** If any Police Officer shall at any time find himself unable to effect an arrest, it shall be lawful for him to require any and every person present to assist and aid him in making the arrest; and any person who shall refuse or neglect to comply with such requisition, shall be liable, on conviction before a Magistrate, to a fine not exceeding fifty Rupees or to imprisonment for a period not exceeding three months, or both.

**XLIV.** Every Police Officer who shall be guilty of any violation of duty or wilful breach of any lawful orders and regulations not punishable under Section X of this Act; or who shall cease to perform the duties of his office without leave, or without having given two months' notice as provided by this enactment, or engage without authority in any employment other than his Police duty; or who shall maliciously and without probable cause prefer any false, vexatious, or frivolous charge or information against any individual; or who shall knowingly and wilfully and with evil intent exceed his powers; or shall be guilty of any wilful and culpable neglect of duty in not bringing any person, who shall be in his custody without a warrant, before a Magistrate as hereinbefore provided; or who shall offer any unwarrantable personal violence to any person in his custody, shall be liable on conviction before a Magistrate to a penalty not exceeding three months' pay, or to imprisonment with or without hard labor not exceeding three months, or both.

**XLV.** Any Police Officer who shall on any pretext, or under any circumstance, directly or indirectly collect or receive any fee, gratuity, diet-money, allowance, or recompense, other than he may be duly authorized by the Inspector-General or other Officer acting under his order to collect or receive, shall on conviction before a Magistrate be liable to a penalty not exceeding six months' pay, or to imprisonment with or without hard labor not exceeding six months, or both.

**XLVI.** Any Police Officer who shall directly or indirectly extort, exact, seek, or obtain any bribe or unauthorized reward or consideration, by any illegal threat, or pretence, or for doing or omitting or delaying to do any act which it may be his duty to do or to cause to be done, or for withholding or delaying any information which he is bound to afford or to communicate; or who shall attempt to commit any of the offences above said, or shall

be guilty of cowardice, shall be liable upon conviction before a Magistrate to a fine not exceeding twelve months' pay, or to imprisonment with or without hard labor not exceeding twelve months, or both. Provided always that nothing in the three last preceding Sections shall be deemed to preclude the Magistrate from committing for trial any cases of this nature too serious for his cognizance.

**XLVII.** If any person shall assault or resist any Police Officer in the execution of his duty; or shall aid or incite any other person so to do; or shall maliciously and without probable cause prefer any false or frivolous charge against any Police Officer; such person shall, on conviction of such offence before any Magistrate, be liable to a fine not exceeding fifty Rupees, or to imprisonment with or without hard labor not exceeding three months, or both.

**XLVIII.** Any person who in any street, road, thoroughfare, or passage, within the limits of any Town, commits any of the following offences, to the obstruction, inconvenience, annoyance, risk, or damage of the residents and passengers, shall, on conviction before a Magistrate, be liable to a fine not exceeding fifty Rupees, or to imprisonment not exceeding eight days; and it shall be lawful for any Police Officer to take into custody without warrant any person who within view commits any such offence.

*First.* Any person who shall slaughter any cattle or clean any carcase in the streets; any person riding or driving any cattle, recklessly and furiously, or training or breaking any horse or other cattle on or near any public road, to the danger of the passers:

*Second.* Any person who wantonly or cruelly abuses or tortures any animal:

*Third.* Any person who shall keep any cattle, or conveyance of any kind standing in any road or street longer than is required for loading or unloading, or for taking up or setting down passengers; or who shall leave any conveyance in such a manner as to cause inconvenience or danger to the public:

*Fourth.* Any person exposing goods for sale on the road so as to obstruct passengers:

*Fifth.* Any person who throws or lays down any dirt, filth, rubbish, or any stones or building materials; or who constructs any pial, cowshed, stable, or the like within the bounds of any thoroughfare; or who causes any offensive



matter to run from any house, factory, dung-heap, or the like into the street :

*Sixth.* Any person found in any thoroughfare drunk and riotous, or incapable of taking care of himself :

*Seventh.* Any person who wilfully and indecently exposes his person, or any offensive deformity or disease, or commits nuisance by easing himself in or by the side of, or near any public street or thoroughfare ; or by bathing or washing in any tank or reservoir, not being a place set apart for that purpose :

*Eighth.* Any person who neglects to fence in or duly to protect any well, tank, or other dangerous place or structure.

**XLIX.** The Superintendent and Superior Officers of Police may, as occasion requires, direct the conduct of all assemblies and processions in the public roads, streets, or thoroughfares, prescribe the routes by which, and the times at which such processions may pass ; keep order in the public roads, streets, thoroughfares, ghauts, and landing places, and all other places of public resort, and prevent obstructions on the occasion of such assemblies and processions and in the neighbourhood of places of worship during the time of public worship, and in any case when the roads, streets, or thoroughfares, ghauts or landing places, may be thronged, or may be liable to be obstructed ; they may also regulate the use of music in the streets, on the occasion of native festivals and ceremonies ; and may direct all crowds of twelve or more persons to disperse, when they have reason to apprehend any breach of the peace ; and every person opposing, or not obeying the orders so issued as aforesaid, or violating the conditions of such license, shall be liable to a fine not exceeding one hundred Rupees. Provided always that nothing in this Section contained shall be deemed to interfere with the general control of the Magistrate over such matters.

**L.** In all cases of convictions under this Act, the Magistrate trying the case shall be restrained within the limits of his ordinary jurisdiction as to the amount of fine or imprisonment he may inflict ; provided always that such charges against Police Officers above the rank of a Private shall only be adjudicated on by European functionaries, and that Village Watchers alone shall be liable to conviction by Heads of Villages.

**LI.** Nothing contained in this Act shall be construed to prevent any person from being prosecuted for any offence made punishable on conviction by this Act ; or to prevent any person from being liable under any other Law, Regulation, or Act to any other or higher penalty

or punishment than is provided for such offence by this Act. Provided always that no person shall be punished twice for the same offence.

**LII.** All fines and penalties imposed, and all sums of money recoverable under the authority of this Act, may, in case of non-payment thereof, be levied by distress and sale of the goods and chattels of the offender by warrant of the Magistrate, in manner provided by Act II of 1839.

**LIII.** All actions and prosecutions against any person, which may be lawfully brought for anything done or intended to be done under the provisions of this Act, or under the general Police powers is hereby given, shall be commenced within three months after the act complained of shall have been committed, and not otherwise ; and notice in writing of such action and of the cause thereof, shall be given to the defendant, or to the Superintendent or other Superior Officer of the District in which the act was committed, one month at least before the commencement of the action ; and no plaintiff shall recover in any such action, if tender of sufficient amends shall have been made before such action brought, or if a sufficient sum of money shall have been paid into Court after such action brought by or on behalf of the defendant ; and though a decree shall be given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant, unless the Judge, before whom the trial shall be, shall certify his approbation of the action ; provided always that no action shall in any case lie where such Officers shall have been prosecuted criminally for the same act.

**LIV.** When any action, prosecution, or proceeding shall be brought against any Police Officer for any act done by him in such capacity, it shall be lawful for him to plead that such act was done by him under the authority of a warrant issued by a Magistrate ; and such plea shall be proved by the production of the warrant directing the act and purporting to be signed by a Magistrate. And the defendant shall thereupon be entitled to a decree in his favor, notwithstanding any defect of jurisdiction in such Magistrate. And no proof of the signature of such Official shall be necessary, unless the Court shall see reason to doubt its being genuine ; provided always that any remedy which the party may have against the authority issuing such warrant shall remain entire.

**LV.** This Act shall take effect in any and every such District as the Governor in Council shall appoint by notification published in the Official Gazette.

## SCHEDULE.

**LVI.** The following words in Section XXXVI of Regulation IX, 1816 ; Laws repealed. " The Officer entrusted with the service of the summons in such cases, as well as in all other cases wherein bail may not be at

quired, shall demand only an acknowledgment of the receipt of it, and in the absence of the party, the summons may be served on the principal person in his house or family, if such person be willing to receive the same, and to return an acknowledgment for the party ;" and Section XLII.

Regulation XI. 1816, Sections III, IV, V, VI, VII, XI, XV, XVI, XVII, XVIII, XXI, XXII, XXIII, XXIV, XXV, XXVI, Clause 2, XXIX, XXXV, XXXVIII, XXXIX, XL, XLI, XLVIII, and LV.

Regulation IV. 1821, Section III.

So much of Clause 2 Section II of Regulation IV. 1821 as declares that all Subordinate Officers of Police of every description shall be subject to the authority of the Tuhseeldars of their respective Districts.

So much of Section VII of Regulation VI. 1831, as affects Village Watchers or other persons holding village offices in the Police Department. Act VII of 1843, Sections XXXIX and XL.

So much of Clause 4 Section XIII of Regulation XI. 1816, as directs the Head of the Village to apprehend any person supposed to have committed a murder.

So much of Clause 1 Section XXVII of Regulation XI. 1816 as directs the Head of the Village to make every exertion to apprehend any person accused or suspected of having committed the offences referred to in the said Clause.

#### FORM A.

A. B. has been appointed a Member of the Police Force under Act XXIV of 1859, and is vested with the powers, functions, and privileges of a Police Officer.

W. MORGAN,

*Clerk of the Council.*

THE 30TH AUGUST 1859.

THE following Bill was read a second time in the Legislative Council of India on the 30th August 1859, and was referred to a Select Committee who are to report thereon after the 3rd of December next :—

*A Bill for the Licensing of Trades and Professions.*

WHEREAS it is expedient to provide for the Licensing of Trades and Professions in India and to impose a tax on the grant of such Licenses ; It is enacted as follows :—

I. Regulation IV. 1818 of the Madras Code (prescribing rules for the assessment and collection of the Veasabuddy or Tax upon the profits of trade in the Provinces known by the appellation of the Ceded Districts or the Zillahs of Bellary and Cuddapah), and Regulation V. 1832 of the same Code (declaratory of the liability of persons exercising certain arts, trades, and professions to the Mohurfa Tax) are hereby repealed.

II. From and after the day of every person who shall carry on any lawful trade and every person who shall exercise any profession shall be required to take out such license as is by this Act directed.

III. For the purposes of this Act the following shall be deemed to be persons carrying on trade, namely,

Every person who shall carry on any trade or business having for its object the procurement of gain to such person :

Every Company or Association or body of persons who shall carry on trade or business as aforesaid whether constituted a Company by Act of Parliament, Royal Charter, Letters Patent, or Act of the Legislative Council of India ; or constituted or regulated by deed of settlement or other instrument :

Every partnership of persons who shall carry on trade or business as aforesaid.

IV. A license under this Act shall be granted by the Collector of Land Revenue of the District or place in which the person requiring such license shall carry on his trade or exercise his profession, or by such other Officer as the Government shall appoint or authorize in that behalf. If the person requiring such license shall carry on his trade or exercise his profession in more than one District or place, the license shall be granted by the Collector or other authorized Officer of the District or place in which the chief office or place of business is situate.

V. There shall be specified in every license to be granted under this Act the date of the grant thereof, the true name of the person to whom the license is granted, the sum paid for such license, and the place or places where such person shall carry on or intend to carry on his trade or shall exercise or intend to exercise his profession.

VI. Every license which shall be granted under this Act shall have effect and continue in force from the day of the date thereof until the day hereinafter appointed for the expiration thereof ; and every such license which shall be granted before the 1st day of 186 shall expire on that day ; and every such license which shall be granted upon or at any time after that day shall expire on the 1st day of next after the day of the granting thereof.

VII. Every person to whom any such license shall be granted and who shall be desirous of continuing to use his trade or profession after the expiration thereof, shall take out a fresh

license for that purpose for the following year, to expire on the day appointed in the last preceding Section, and shall renew the same from year to year, so long as he shall desire to continue such trade or profession; and every such person shall give notice in writing twenty-one days at least before the expiration of the current license to him granted of his intention to renew the same, to the Collector or other Officer authorized as aforesaid of the District or place where such trade or profession is to be carried on or exercised.

VIII. Upon all licenses to be granted under this Act there shall be paid by the persons to whom such licenses are granted the several annual sums hereinafter mentioned (that is to say),

If the person to whom the license is granted shall be assessed—

Under Class	I	...	5,000	Rs. Yearly.
" "	II	...	4,500	" "
" "	III	...	4,000	" "
" "	IV	...	3,500	" "
" "	V	...	3,000	" "
" "	VI	...	2,500	" "
" "	VII	...	2,000	" "
" "	VIII	...	1,500	" "
" "	IX	...	1,000	" "
" "	X	...	500	" "
" "	XI	...	250	" "
" "	XII	...	100	" "
" "	XIII	...	50	" "
" "	XIV	...	25	" "
" "	XV	...	10	" "
" "	XVI	...	5	" "
" "	XVII	...	2	" "

The annual sum made payable under this Section shall, if the license be taken out on or before the day of , be paid by two equal half-yearly instalments. In all other cases such sum shall be paid upon the taking out of the license.

IX. The Collector or other Officer authorized as aforesaid shall, subject to the provisions of Section of this Act, determine under what class every person to whom a license is granted shall be assessed; and such determination shall be made with reference to and after consideration of the extent of the trade business or profession carried on by every such person, and the amount of the annual nett profits or gains accruing therefrom; and in such manner that the sum to be paid for the license shall approximate as nearly as may be to three per cent on such annual profits or gains. The Collector or other Officer as aforesaid may appoint a punchayet to consist of three or more respectable persons of the neighbourhood to aid him in making such assessment.

X. Any person who shall satisfy the Collector or other Officer authorized as aforesaid, that the aggregate annual amount of the nett profits or gains of the trade business or profession carried on by such person (estimated according to the provisions of the last preceding Section) is less than a sum which so estimated would render him liable to assessment under Class 17 of Section VIII, shall be exempted from taking out a license under this Act.

XI. In order to assist in giving effect to the provisions of this Act, it shall be lawful for persons carrying on trades in which Chowdries were formerly maintained, or may now exist, or may hereafter be appointed under the provisions of this Section, to nominate and appoint, within a time to be fixed by the Collector or other Officer authorized as aforesaid, fit persons to be Chowdries of such trades. In default of such nomination the Collector or other Officer as aforesaid may appoint Chowdries of trades.

XII. In order to enable the Collector or other Officer authorized as aforesaid to determine under what classes persons requiring to be licensed shall be assessed, and what sums shall be paid in respect of licenses granted under this Act, he may cause to be sent to any person supposed to be liable to the payment of the tax hereby imposed, a Schedule to be filled up with such information respecting the trade business or profession carried on by such person, and the amount of the annual profits or gains accruing therefrom, the number and names of persons holding any office or employment under him and their salaries fees and wages, as the Collector or other Officer authorized as aforesaid may judge necessary for the purpose of such assessment. The Schedule shall be filled up in writing and dated, and shall contain a declaration signed by such person that to the best of his belief the Schedule is a true return of the matters therein contained. Such return shall be delivered to the office of the Collector or other Officer as aforesaid by every person to whom it is sent whether or not liable to the payment of such tax; and whoever refuses, neglects, or omits duly to fill up and return such Schedule within twenty-one days from the receipt thereof, shall be liable to a penalty not exceeding five hundred Rupees; or if he be a person liable to be assessed, the Collector or other Officer as aforesaid may assess him under any of the classes mentioned in Section VIII of this Act; and no appeal shall lie from such assessment on the ground that such person had been assessed under too high a class with reference to the provisions of Section IX of this Act; or if such person knowingly gives therein any incorrect or false return, he shall be liable to the penalties provided for perjury.

XIII. The Collector or other Officer authorized as aforesaid may summon any person whom he shall think able to give evidence for the purpose of enabling him to determine under which of the classes mentioned in Section VIII of this Act any person should be assessed and may examine such person as to any such matter. The Collector or other Officer as aforesaid may also require the person summoned to produce any books or documents in his possession or power relating to the trade business or profession of any person supposed to be liable to assessment, or of any person who has appealed against such assessment, or to the amount of the annual profits or gains accruing from such trade business or profession. If the person summoned shall refuse to answer any lawful question of the Collector or other Officer as aforesaid, or shall knowingly give an incorrect answer, or shall refuse to produce any such books or documents as aforesaid, he shall be liable to a penalty not exceeding five hundred Rupees; or if

he be a person liable to be assessed, the Collector or other Officer as aforesaid may assess him under any of the classes mentioned in Section VIII of this Act, and no appeal shall lie from such assessment on the ground that such person had been assessed under too high a class with reference to the provisions of Section IX of this Act.

XIV. On or before the day of in every year, the Collector or other Officer authorized as aforesaid shall prepare a list of the persons requiring to be licensed under this Act, which list shall state the trade or profession of each of the persons therein named, the class under which he shall be assessed, and the tax payable in respect of his license. When such list has been prepared the Collector or other Officer shall give a Public Notification thereof and of the place or places where the said list may be inspected. Copies of such Notification shall be exhibited conspicuously at the Collector's Cutcherie, and at the Tehsildaree Cutcherries, and at the Cutwallie or the Thanna in which the parties named in the list severally reside. Any person named in the list shall be at liberty, within fifteen days from the date of such

Objections. Notification, to state in writing any objection against the assessment to the Collector or Officer, who shall, after hearing the complaint, pass such order thereupon as to him shall seem fit.

XV. Any person in whose custody such list may be, shall permit all persons liable to assessment and the authorized agents of such persons to inspect the list and to make extracts therefrom without payment of any fee; and whoever wilfully neglects or refuses to permit the same, shall be liable, on conviction before a Magistrate, to a penalty not exceeding one hundred Rupees.

XVI. Any person dissatisfied with the order of the Collector or other Officer authorized as aforesaid, shall be at liberty to prefer, within fifteen days from the date of such order, an appeal in writing to the Commissioner of Revenue of the Division, and the decision of the Commissioner upon such appeal shall be final.

XVII. Complaints made to Collectors or other Officers authorized as aforesaid, and appeals preferred to Commissioners under the preceding Sections, shall be written upon Stamp paper of the value of eight Annas and one Rupee, respectively.

XVIII. The Collector or other Officer authorized as aforesaid shall prepare a revised list containing any corrections in the list prepared under Section XIV of this Act which he may have made of his own authority, or which may have been introduced by order of the Commissioner. When such revised list has been prepared, Notification shall be given in the manner required by Section XIV of this Act, and a copy of the revised list shall be sent to the Commissioner of the Division.

XIX. The powers vested by this Act in the Commissioner shall be exercised, in Districts or places where there are no Commissioners of Revenue, by such Officer or Officers as the Executive Government may appoint. Copies of revised lists required to be sent

to the Commissioner shall be sent to such Officer or Officers.

XX. After the said day of , if any person shall carry on his trade or exercise his profession without having taken out a license as required by this Act, he shall be liable on conviction before a Magistrate to a penalty not exceeding five times the amount which in the judgment of the Magistrate would have been payable by such person in respect of a license duly taken out as aforesaid.

XXI. No person required by this Act to take out a license shall be allowed to recover in any judicial suit or proceeding any money, debt, or charge claimed by him in respect of the trade business or profession carried on by him after the passing of this Act, unless such person shall prove to the satisfaction of the Judge or Officer presiding at the trial, that at the time when the contract was entered into he had duly obtained a license in conformity with this Act.

XXII. Any person required by this Act to take out a license, who shall without reasonable excuse neglect or refuse to produce and show his license when required so to do by an Officer duly empowered to make such requisition by the Collector or other Officer authorized as aforesaid, shall on conviction before a Magistrate be liable to a penalty not exceeding one hundred Rupees.

XXIII. Persons holding any offices or employments of profit, other than offices or employments mentioned in Sections XXIV and XXV of this Act, shall be deemed to be, in respect of the salary, fees, wages, perquisites, and profits of such offices or employments, persons carrying on trade or exercising a profession within the meaning of this Act and shall be assessed (with reference to the provisions of Section IX of this Act) upon an estimate of the annual salary, fees, wages, perquisites, and profits of such offices or employments. Provided that if any person holding any such office or employment shall satisfy the Collector or other Officer authorized as aforesaid, that the salary, fees, wages, perquisites, and profits of his office or employment do not exceed one hundred Rupees per mensem, such person shall not be required to take out a license under this Act.

XXIV. Every Civil Officer and every Military Officer in Civil employ shall pay at the rate of three per cent per annum upon the amount of his salary, and the same may be deducted by Government from such salary; provided that if the salary of such Officer do not exceed one hundred Rupees, he shall not be taxed.

XXV. Every Military Officer on the General, Divisional, Brigade, and Personal Staff shall pay a tax at the rate of three per cent per annum on the amount of his pay and allowances, and the amount may be deducted by the Government from his pay and allowances.



XXVI. All offences under this Act made punishable by any penalty may be prosecuted summarily before a Magistrate or any person exercising the powers of a Magistrate. The provisions of Act XIII of 1856 relating to the adjudication of fines and penalties and the enforcing payment thereof, shall apply to penalties imposed under this Act in the Towns of Calcutta, Madras, and Bombay.

XXVII. The provisions of this Act shall not apply to any person who shall hold any office, employment, or commission under Her Majesty, or under the Government of India, the salary of which office or employment has been fixed by Act of Parliament.

XXVIII. Nothing in this Act shall be deemed to apply to any artificer or workman for hire, or to any laborer, or to any ryot or cultivator of land in respect of the produce of such land.

XXIX. Nothing in this Act shall be construed to alter or affect the provisions of any other Law or Regulation relating to licenses.

XXX. This Act shall not take effect or have operation within the Settlement of Prince of Wales' Island, Singapore, and Malacca.

XXXI. It shall be lawful for the Governor General of India in Council from time to time to make rules for the guidance of Officers in matters connected with the enforcement of this Act, provided such rules are not inconsistent with any of the provisions herein contained.

W. MORGAN,  
Clerk of the Council.

THE 30TH AUGUST 1859.

THE following Bill was read a second time in the Legislative Council of India on the 27th August 1859, and was referred to a Select Committee who are to report thereon after the 3rd of December next:—

*A Bill to prevent the over-crowding of Vessels carrying Native Passengers in the Bay of Bengal.*

WHEREAS it is necessary to prevent the over-crowding of Vessels carrying Native Passengers across the Bay of Bengal from and to Ports in the Presidency of Fort Saint George, and between such Ports and Ceylon, and from and to Chittagong and other Ports in the Province of Orissa; It is enacted as follows:—

I. Act I of 1857 is hereby repealed.

II. No Vessel shall carry Native Passengers from any Port or place under the Presidency of Fort St. George or from Chittagong or from any Port in the Province of Orissa, to any Port or place on the Eastern Coast of the Bay of Bengal or in the Straits of Malacca or in Ceylon: or from any

Port or place on the Eastern Coast of the Bay of Bengal or in the Straits of Malacca, to any Port or place under the Presidency of Fort St. George, or to Chittagong, or to any Port in the Province of Orissa, in a proportion greater than one passenger to every four tons of the burden of such Vessel, without a license.

III. No Vessel shall be licensed to carry Passengers on any such voyage as aforesaid, in a proportion greater than one passenger to every ton of burden, nor unless the Vessel has space on a deck or platform under hatches reserved for the accommodation of the Passengers in the proportion of six superficial feet for every Passenger, with not less than five feet clear between the upper deck and the lower deck or platform; except a Vessel proceeding in ballast from any part of the Coast of the Gulf of Manar or Palk's Strait to any Port or place in Ceylon which may be licensed to carry a number of Passengers not exceeding the proportion of

two and a half to every ton of her burden, provided that the whole of the space usually allotted for cargo and not occupied by ballast, be kept for the accommodation of the Passengers, and for storing the provisions and water for their use, and that the space left clear for the accommodation of the Passengers on the deck or decks of the Vessel be not less than four superficial feet for each Passenger.

IV. The Master or Tindal of any Vessel which shall carry Native Passengers on any such voyage as aforesaid, without a license, in a proportion exceeding that laid down in Section I, shall be liable to a fine not exceeding twenty Rupees for each Passenger in excess of such proportion.

V. The Master or Tindal of any licensed Vessel which shall carry on any such voyage a greater number of Passengers than is specified in the license, or in which the accommodation therein required shall not be afforded, shall be liable to a fine not exceeding twenty Rupees for each Passenger in excess of such number, or for each Passenger who is not provided with accommodation agreeably to the license.

VI. Passengers in a greater number than one Passenger to every four tons of the burden of any Vessel, shall not be shipped from the territories under the Government of Fort St. George or from the Province of Orissa, for Ceylon or the Eastern Coast of the Bay of Bengal, or the Straits of Malacca; or from the Eastern Coast of the Bay of Bengal or the Straits of Malacca, for the said territories or Province or for Chittagong, except from such Ports as shall be from time to time appointed by the local Government by an Order published in the Government Gazette, and in the Straits Settlement in such manner as the Governor shall notify; and the Master or Tindal of any Vessel who shall take on board Passengers for such voyage from any other Port or place as a

greater proportion to the burden of the Vessel than is above-mentioned, shall be liable to a fine not exceeding twenty Rupees for each Passenger embarked.

VII. It shall be at the discretion of the Collectors of Sea Customs for the Ports appointed for shipping Native Passengers, or such other persons as the local Government may from time to time appoint for the purpose, to grant licenses to Vessels under this Act. Provided that such licenses shall not be granted, except for Vessels within the exception in Section II, till the Vessels have been surveyed according to such directions as shall be given from time to time by such local Government. The license shall describe the Vessel, her tonnage, and rig; the number of her boats, anchors, and cables; and what instruments for the purpose of navigation she is supplied with; also the name of the owner and of the Master or Tindal, and the number and composition of the crew; and shall specify the number of Passengers she may carry, and the space to be assigned for their accommodation.

VIII. The Master or Tindal of any Vessel licensed to carry Passengers from any Port in the territories under the Government of Port St. George or from Chittagong or from any Port in the Province of Orissa, to any Port or place on the Eastern Coast of the Bay of Bengal or the Straits of Malacca; or from any Port on the Eastern Coast of the Bay of Bengal or the Straits of Malacca, to any Port or place in the territories under the Government of Port St. George, or to Chittagong, or to any Port in the Province of Orissa, which shall proceed on such voyage not being furnished with provisions and water according to such scale as shall be laid down from time to time by an order of the local Government published in the Government Gazette, and in the Straits Settlement in such manner as the Governor shall notify, shall be liable to a fine not exceeding twenty Rupees for each Passenger in excess of the number fully supplied with provisions and water according to such scale.

IX. The Master or Tindal of any Vessel licensed to carry Passengers as aforesaid, who shall wilfully and without satisfactory excuse omit to supply to every Passenger the prescribed allowance of food and water, shall be liable for such omission to a fine which may extend to twenty Rupees for every Passenger who has suffered privation thereby.

X. The Master or Tindal of any Vessel licensed to carry Passengers from any Port under the Government of Port St. George to Ceylon, who shall proceed on such voyage without having laid in a supply of water and provisions for the Passengers according to a scale to be fixed by the Collector of Sea Customs for such Port, or such other person as the Government of Port St. George may from time to time appoint for the purpose, which shall be hung up at the Custom House of the Port, shall be liable to a fine not exceeding one hundred Rupees.

XI. The Master or Tindal of any Vessel licensed to carry Passengers as hereinbefore provided, shall sign and deliver in duplicate to the principal Officer of Customs at the place of embarkation, or such other person as the local Government may from time to time appoint for the purpose, a list, according to the form annexed to this Act, of all Passengers to be conveyed in such Vessel; and such Officer, after satisfying himself of the correctness of the same, and that the number of Passengers authorized is not exceeded, shall countersign and return one such list to the Master or Tindal, to be produced to the proper Officer at the Port to which the Vessel is bound; and should Additional Passengers. any additional Passengers engage to proceed by such Vessel after such list has been so countersigned, the Master or Tindal may insert their names in the original list, obtaining the signature of the controlling Officer as before. The Officer in charge of the Customs may withhold the Port Clearance till this rule is complied with.

XII. If any Vessel, bringing Native Passengers into any Port or place whatsoever on the Eastern Coast of the Bay of Bengal or in the Straits of Malacca, from any Foreign European Settlement situate on the line of coast within the limits of the Presidency of Port St. George, shall have on board a greater number of Passengers than in the proportion prescribed in Section I of this Act, the Master or Tindal of such Vessel shall be liable to a penalty of twenty Rupees for each Passenger in excess of such proportion.

XIII. The principal Officer in charge of the Customs at the Port of embarkation or of destination, or any person authorized by him, shall be at liberty at all times to enter and inspect any Passenger Vessel, and the fittings, provisions, and stores therein; and whoever impedes such entry or inspection, or refuses to allow of the same, shall be liable to a fine not exceeding fifty Rupees.

XIV. If any Native Passenger in any Ship shall be landed at any Port or place other than the Port or place at which he may have contracted to land, unless with his previous consent, or unless such landing is made necessary by perils of the sea or other unavoidable accident, the Master shall for each offence be liable to a penalty not exceeding two hundred Rupees.

XV. Nothing in this Act contained shall take away or abridge any right of action which may accrue to any Native Passenger, or to any other person, in respect of the breach or non-performance of any contract made with the Master or Owner of the Ship or his Agent.

XVI. All offences against this Act shall be punishable in a summary manner by a Magistrate. If the person directed to pay any penalty is the Master or Owner of a Ship, and the same is not paid at

the time and in the manner prescribed by the order of payment, the Magistrate may, in addition to the means prescribed by law for enforcing payment, direct by warrant the amount remaining unpaid to be levied by distress and sale of the said Ship, her tackle, furniture, and apparel.

XVII. For the purpose of the adjudication of penalties under this Act, any offence shall be deemed to have been committed within the limits of the jurisdiction of the Magistrate of the place where the offender is found.

XVIII. Any Magistrate imposing any penalties under this Act may, if he thinks fit, direct the whole or any part thereof to be applied in compensating any person for any wrong or damage which he may have sustained by the act or default in respect of which such penalty is imposed, or in or towards payment of the expenses of the proceedings.

XIX. The word "Magistrate" in this Act shall include a Magistrate of Police appointed under Act XIII of 1856, a Joint Magistrate, and any person lawfully exercising the powers of a Magistrate.

The words "Local Government" shall mean the person or persons for the time being immediately administering the Executive Government of that portion of the said territories where the Port or place in question is situate.

# SCHEDULE.

Form.

1	2	3	4	5	6	7
Name of Vessel.	Name of Master.	Tons per Register.	Port of Embarkation.	Number and names of Passengers.	Port at which Passengers have contracted to be landed.	Date of Departure.

(Signed) \_\_\_\_\_, Master.

(Countersigned) \_\_\_\_\_, Principal Officer of Customs.

Note.—In the case of vessels carrying Passengers to Ceylon, it will be sufficient to insert the number, and not the names, of Passengers in Column 5.

W. MORGAN,  
Clerk of the Council.

THE 6TH SEPTEMBER 1859.

THE following Bill was read a second time in the Legislative Council of India on the 6th September 1859, and was referred to a Select Committee who are to report thereon after the 10th of December next :—

*A Bill to enable Joint Stock Banking Companies to be formed on the principle of Limited Liability.*

WHEREAS it is expedient to enable Joint Stock Banking Companies to be formed on the principle of Limited Liability ; It is enacted as follows :—

I. So much of Section II of Act XIX of 1857 (for the incorporation and regulation of Joint Stock Companies and other Associations either with or without Limited Liability of the Members thereof) as provides that nothing in that Act shall authorize any persons to form themselves into a Joint Stock Company or Association with Limited Liability for the purpose of Banking. And so much of Section XCIX of the said Act as provides that no Company established for the purpose of Banking shall be registered under that Act as a Limited Company, are hereby repealed, subject to the following Proviso, that no Banking Company claiming to issue notes in India shall be entitled to Limited Liability in respect of such issue, but shall continue subject to unlimited Liability in respect thereof, and that, if necessary, the assets shall be marshalled for the benefit of the general creditors, and the Shareholders shall be liable for the whole amount of the issue in addition to the sum for which they would be liable as Shareholders of a Limited Company.

II. Every existing Banking Company which shall register itself as a Limited Banking Company, shall at least thirty days previous to obtaining a certificate of Registration with Limited Liability, give notice that it is intended so to register the same, to every person and partnership firm who shall have a Banking Account with the Company, and such notice shall be given either by delivering the same to such person or firm, or leaving the same or putting the same into the Post in a registered letter addressed to him or them at such address as shall have been last communicated or otherwise become known as his or their address to or by the Company ; and in case the Company shall omit to give any such notice as is hereinbefore required to be given, then as between the Company and the person or persons only who are for the time being interested in the account in respect of which such notice ought to have been given, and so far as respects such account and all variations thereof down to the time at which such notice shall be given, but not further, or otherwise, the certificate of registration with Limited Liability shall have no operation.

III. Every Limited Joint Stock Banking Company shall, before it commences business, or, if a Banking Company at the time carrying on business with unlimited Liability, before it avails itself of the provisions of this Act, and also on the 1st day of February and 1st day of August in every year during which it carries on business, make a statement in the form contained in the Schedule hereto annexed, or as near thereto as circumstances will



admit; such statement shall be in addition to the balance sheet required by the said Act to be made out and filed with the Registrar of Joint Stock Companies: a copy of such statement shall be put up in a conspicuous place in the Registered Office of the Company, and in every branch Office or place where the Banking business of the Company is carried on, and if default is made in due compliance with the provision of this Section, each Director shall be liable to a penalty not exceeding for every day during which such default continues, and such penalties shall be recovered in a summary manner.

IV. All such estate or interest in moveable and immoveable property, and Trust property. all such deeds, bonds, obligations, and rights as may belong to, or be vested in, any person or persons in trust for any Banking Company at the date of its Registration under this Act or in trust for any other Company at the date of its Registration under the said Act XIX of 1857, shall immediately on Registration vest in such Banking or other Company, but no Merger shall take place of any estates by reason of their uniting in the Company under this Section, without the express consent of the Company, certified by some instrument under their common seal.

V. Any Banking Company consisting of seven or more persons having Existing Banking Companies may register under this Act. a capital of fixed amount, and divided into shares also of fixed amount, legally carrying on the business of Banking previously to the passing of this Act may, at any time hereafter, with the assent of a majority of such of its Shareholders as may have been present in person, or in cases where proxies are allowed by the regulations of the Company by proxy at some General Meeting summoned for the purpose, register itself as a Company under this Act, and when so registered all such provisions contained in any Letters Patent or Deed of Settlement constituting or regulating the Company as are inconsistent with the said Act XIX of 1857 or with this Act, shall no longer apply to the Company so registered, but such Registration shall not take away or affect any powers previously enjoyed by such Company of Banking, issuing notes payable on demand, or of doing any other thing.

VI. The Registration under this Act of any Banking Company existing at the time of the passing of this Act, and hereby authorized to be registered, shall not affect or prejudice the liability of such Company to have enforced against it or its right to enforce any debt or obligation incurred, or any contract entered into, by, to, with, or on account of such Company previously to such Registration, and all such debts, obligations, and contracts shall be binding on the Company when so registered, and the other parties thereto, to the same extent as if such Registration had not taken place.

VII. Every person who at or previously to the date of the Registration under this Act of any Banking Company hereby authorized to be registered, may have held shares in such Company shall, in the event of the same being wound-

up by the Court or voluntarily, be liable to contribute to the assets of the Company the same amount that he would, if this Act had not been passed, have been liable to pay to the Company, for, or on account of any debt of the Company in pursuance of any action, suit, judgment, or other legal proceeding that might, if this Act had not been passed, have been instituted or enforced against himself or the Company.

VIII. All such actions, suits, and other legal proceedings as may at the time of the Registration under this Act of any Company hereby authorized to be registered, have been commenced by or against such Company or the Public Officer thereof, may be continued in the same manner as if such Registration had not taken place; nevertheless execution shall not issue against the effects of any individual Shareholder in, or member of, such Company, upon any judgment decree, or order obtained against such Company in any action, suit, or proceeding so commenced as aforesaid; but in the event of the property and effects of the Company being insufficient to satisfy such judgment, decree, or order, an order may be obtained for winding-up the Company in manner directed by the said Act XIX of 1857.

IX. All Companies registered under this Act shall be wound-up in the manner directed by the said Act XIX of 1857.

X. Nothing in this Act shall affect Act VI of 1839 (*incorporating the Bank of Bengal*), Act III of 1840 (*for the incorporation of a Bank at Bombay*), or Act IX of 1843 (*for the incorporation of a Bank at Madras*), or shall be deemed to apply to the several Banks of Bengal, Madras, and Bombay incorporated by the said Acts respectively.

XI. This Act shall be deemed to be incorporated with and to form part of the said Act XIX of 1857.

## SCHEDULE.

FROM OF STATEMENT TO BE PUBLISHED BY A LIMITED JOINT STOCK BANKING COMPANY.

The Liability of the Shareholders is limited.

The Capital of the Company is divided into \_\_\_\_\_ Shares  
Rupees each.

The number of Shares issued is \_\_\_\_\_  
Calls to the amount of \_\_\_\_\_  
per Share have been made, under which the sum of Rupees has been received.

The liabilities of the Company on the first day of January (or July) were—  
Rs. As. P.

Notes issued, .....  
Deposits not bearing Interest,  
Deposits bearing Interest, ...  
Seven Day and other Bills, ...

Total, \_\_\_\_\_

The Assets of the Company on that day were—

Government Securities, .....  
Bills of Exchange, .....  
Loans on Mortgage, .....  
Other Loans, .....  
Bank Premises, .....  
Other Securities, exclusive of  
unpaid Calls on Shares, ...

Total,...

Dated the first day of \_\_\_\_\_ or  
one thousand eight hundred and

W. MORGAN,  
*Clerk of the Council,*

### Home Department.

No. 1783.

*Fort William, the 8th September 1859.*

The Governor General in Council is pleased to place the services of Captain J. Burn, of the 40th Regiment Bengal Native Infantry, at the disposal of the Governor of the Straits' Settlements.

W. GREY,  
*Secy. to the Govt. of India.*

### Foreign Department.

No. 5511.

*Fort William, the 8th September 1859.*

Lieutenant R. C. Burn, Assistant Commissioner 1st Class, Tenasserim and Martaban Provinces, has obtained leave of absence from 31st ultimo to 10th instant, preparatory to his obtaining final leave to Europe, on Medical Certificate.

CECIL BEADON,  
*Secy. to the Govt. of India.*

No. 5512:

*Fort William, the 9th September 1859.*

*Notification.*—The following Despatch from the Right Hon'ble the Secretary of State for India,

No. 33, dated the 28th July last, is published for general information:—

All Memorials and other Communications addressed to Her Majesty are to be presented in the first instance to the Local Government of the Presidency, or to the Local Administration of the Province, to which such Memorials or Communications may relate.

They will be forwarded by the Local Government or Administration, to the Government of India, accompanied if in any Native language, by a full translation in English, and by the Government of India to Her Majesty's Secretary of State.

No Memorials or other Communications addressed to Her Majesty if sent or presented otherwise, than according to this rule, can be attended to.

By Order of the Right Hon'ble the Governor General of India in Council.

CECIL BEADON,  
*Secy. to the Govt. of India.*

(COPY.)

POLITICAL.  
No. 33.

INDIA OFFICE,  
*London, 28th July 1859.*

TO HIS EXCELLENCY THE RIGHT HON'BLE THE  
GOVERNOR GENERAL OF INDIA IN COUNCIL.

MY LORD,

For some years past, a large number of Letters, some in English and others in different Native languages have been forwarded through the Post Office to the address of Her Majesty, and since the Assumption of the direct Government of India by the Crown, the number of these Communications has increased, and may still further increase. It is desirable, therefore, that you should adopt measures to make it more generally known that all Memorials or other Communications, addressed to Her Majesty, should be forwarded through the Local Governments of India. These Communications you will transmit to me in the several Departments to which the subject treated of belongs; and when they are written in the Native languages, translations into English should be attached to them.

I have the honor to be, &c.,  
(Signed) C. Wood.

(A true Copy)

CECIL BEADON,  
*Secy. to the Govt. of India.*

Financial Department.

No. 75.

Fort William, the 6th September 1859.

Notifications.—The following Statement of the Silver received and coined in the Mints of Calcutta, Madras and Bombay, in July 1859, is published for general information :—

Statement of the Silver received and coined in the Mints of Calcutta, Madras and Bombay, in July 1859.	CALCUTTA.			MADRAS.			BOMBAY.		
	Ballion or Coin received during the month, valued in Rupees.		Coined during the month, valued in	Ballion or Coin received during the month, valued in Rupees.		Coined during the month, valued in	Ballion or Coin received during the month, valued in Rupees.		Coined during the month, valued in
	Govt.		Rupers.	Govt.		Rupers.	Govt.		Rupers.
	Merchits.			Merchits.			Merchits.		
	8,33,649	1,49,278	93,26,435	5,70,549	...	6,33,640	31,74,150	5,91,451	42,90,000
July 1859	...	...	...	...	...	...	...	...	...
London	50,70,586	...	...	...	...	...	...	...	...

No. 76.

The 7th September 1859.

The following Extract, from a Despatch from the Secretary of State for India, addressed to the Government of India, in the Financial Department, No. 67 of 1859, dated the 14th July, is published for general information :—

Para. 17.—The Absentee Regulations limit the

Letter dated 7th April 1859, No. 48.

Mr. L. Reid, Sub-Collector of Colaba, after an absence of three months on Sick Certificate, has been granted by the Government of Bombay, further leave for fifteen months, on Sick Certificate, to proceed to Europe.

Instructions are requested, whether such grant is in accordance with the Regulations.

of any application for an extension. It does not

grant of leave on any one occasion to fifteen months, a further Medical Certificate at the end of that period being required in support

follow that a Civil Servant whose ill-health might require an extension after three months' leave would require further leave after fifteen months, and the Civil Auditor at Bombay was therefore justified in considering that Mr. Reid was ineligible to take a longer leave than twelve months, in addition to the three months he had already received.

18. In the case of Mr. Reid, I shall not revoke the leave which has been granted ; but in all future similar cases care must be taken that the leave be granted so as to terminate at fifteen months. Medical Certificates must be then produced if an extension be required.

By Order of the Governor General of India in Council.

No. 77.

The 9th September 1859.

With reference to the Notification No. 69, dated the 18th December 1858, which was published in the *Calcutta Gazette* of the 22nd idem, for the discharge, at par, at the General Treasury at Fort St. George, of the Four per Cent Promissory Notes of the Government of Fort St. George, issued on account of the Tanjore Debt, the Right Hon'ble the Governor General in Council is pleased to resolve that, from the date of the issue of this Notification, Subscriptions to the open Five and-a-half per Cent Loan will be received from the Holders of Tanjore Bonds, half in Cash and half in the said Promissory Notes.

By Order of the Governor General in Council.

No. 78.

His Excellency the Governor General in Council is pleased to make the following appointments :—

Mr. F. Lushington, Accountant, North-Western Provinces, to be Accountant to the Government of Bengal.

Mr. J. L. Lushington, Civil Auditor at Madras, to be Accountant, North-Western Provinces.

Mr. E. F. Harrison, First Assistant Accountant-General to the Government of India, to be Civil Auditor at Madras ; but to continue to act as Accountant to the Government of Bengal, until relieved by Mr. F. Lushington.

Mr. W. Waterfield, First Assistant Accountant-General, Madras, and Acting Sub-Treasurer at Madras, to be First Assistant Accountant-General to the Government of India ; but to continue to act as Sub-Treasurer at Madras, until relieved of that office by Mr. H. D. Sandeman. Mr. Waterfield will then officiate as Civil Auditor at Madras, until the arrival of Mr. E. F. Harrison.

Published by Order of the Governor General of India in Council.

C. HUGH LUSHINGTON,  
Secretary to the Govt. of India.

# Military Department.

Fort William, the 8th September 1859.

No. 1262 of 1859.—The following Notifications, from the Foreign Department, are published in General Orders:—

No. 5442, dated 3rd September 1859.—His Excellency the Governor General in Council is pleased to appoint Assistant Surgeon R. S. Bateson, attached to the 1st Gwalior Infantry, to officiate in Medical charge of Mayne's Horse during the absence, on leave, of Assistant Surgeon Brodriek, or until further orders.

No. 5445, dated 6th September 1859.—The Governor General in Council is pleased to appoint Major C. Herbert, Commandant of the Calcutta Native Militia, to be also Agent of the Governor General with the King of Oude.

No. 5446, dated 6th September 1859.—Captain A. S. Haig, 55th Native Infantry, is appointed to be Cantonment Joint Magistrate of Lucknow, from the 29th July last.

No. 5447, dated 6th September 1859.—Major H. Bruce, C. B., Chief of Police in Oude, will perform the functions of Superintendent of Cantonment Police in that Province, in addition to his other duties.

No. 5448, dated 6th September 1859.—Lieutenant R. H. M. Aitken, Divisional Commandant, Oude Military Police, has obtained leave of absence, for six weeks, to proceed to Allahabad and Calcutta, preparatory to applying for further leave to England, on Medical Certificate.

No. 1263 of 1859.—The following Notifications, from the Public Works Department, are published in General Orders:—

No. 269, dated 3rd September 1859.—Transfer.—Lieutenant C. C. S. Moncrieff, Assistant Engineer, 2nd Class, is transferred from Oude to the Irrigation Department, North-Western Provinces.

No. 271.—Leave of Absence.—Captain E. Smalley, Executive Engineer, Muttra, is granted leave of absence for fourteen days, in extension of the

\* North-Western Provinces Notification, No. 1610, dated 7th July 1859.

affairs.

No. 1264 of 1859.—The following Orders, issued by the Hon'ble the Lieutenant-Governor, North-Western Provinces, are published in General Orders:—

No. 552, dated 29th August 1859.—The services of Quarter-Master Serjeant E. Hume, of the late 37th Regiment Native Infantry, attached to the Allahabad Divisional Police Battalion, are replaced at the disposal of the Secretary to Government of India, Military Department.

No. 576, dated 1st September 1859.—Notification.—Captain J. P. Caulfield, Commandant of the Furruckabad District Police Battalion, on leave, is permitted, at his own request, to resign his appointment, and his services are re-placed at the disposal of the Government of India, Military Department.

"With reference to the above, the services of Quarter-Master Serjeant Hume and Captain Caulfield are placed at the disposal of the Right Hon'ble the Commander-in-Chief."

No. 1265 of 1859.—The following Orders, issued by the Hon'ble the Lieutenant-Governor of the Punjab (Gazette No. 68, dated 24th August 1859,) are re-published in General Orders:—

No. 273, dated 24th August 1859.—The Regimental Order, dated 1st August 1859, by Captain H. L. Millett, Commanding 1st Punjab Cavalry, directing Lieutenant and Officiating Second in Command W. C. Anderson to act as Adjutant, in addition to his other duties, consequent on the departure of Lieutenant H. B. Hanna, on leave, is confirmed.

## Lahore Light Horse.

No. 274.—With the sanction of the Supreme Government, the above Corps is transferred to the control of the Right Hon'ble the Commander-in-Chief, with effect from the 1st proximo.

No. 275.—The Regimental Order, dated 4th instant, by Captain O. J. Travers, Commanding the Lahore Light Horse, assuming Command, consequent on the departure on sick leave of Captain Jackson, Commandant, is confirmed, with effect from the 1st June last.

No. 1266 of 1859.—The services of Captain J. Burn, of the 40th Regiment Native Infantry, Commanding the East Indian Regiment, are placed at the disposal of the Home Department.

No. 1267 of 1859.—The under-mentioned Officers are permitted to proceed to Europe, on leave of absence, on Sick Certificate:—

Lieutenant Robert Campbell Burn, of the 5th Regiment Madras Native Infantry, Assistant Commissioner, Tenasserim and Martaban Provinces	} For fifteen months, under the new Regulations.
Lieutenant George Shedden Hawthorn, of the 24th Bombay Native Infantry	
	} For two years, under the old Regulations.

Fort William, the 9th September 1859.

No. 1268 of 1859.—Assistant Apothecary Alexander Lyons, attached to the Medical Depot at Allahabad, is appointed to act as Apothecary, under the orders of the Surgeon to His Excellency the Viceroy and Governor General, with His Lordship's Camp, which is about to be formed at Cawnpore.

No. 1269 of 1859.—Her Majesty has been pleased to appoint the under-mentioned gentlemen to be Assistant Surgeons in Her Majesty's Indian Military Forces at the Presidency of Bengal, they are accordingly admitted into the Service:—

Date of Arrival at Fort William.

## Medical Department.

Mr. William Edward Allen	} 31st August 1859.
William Rae Hooper,	

No. 1270 of 1859.—The under-mentioned Officer is, at his own request, transferred to the Corps specified :—

Ensign Edward Francis Fortescue, from the 1st European Bengal Fusiliers, to the 31th Regiment Native Infantry.

No. 1271 of 1859.—Under instructions from the Right Hon'ble the Secretary of State for India, it is notified that the War Office Circular, dated 6th March 1859, No. 410, providing that such sums as may be due to Invalids and others returning to Europe should, in future, be stated against the names of the men in the Monthly Casualty Returns in which they may be reported Non-effective, is not intended to apply to Savings Bank Balances, which are to be withdrawn from the Government Savings Bank, and remitted to England in the manner prescribed by Government General Order, No. 635 of 1858.

No. 1272 of 1859.—His Excellency the Governor General in Council is pleased to admit the under-mentioned Native Officers of the 1st Punjab Cavalry, the former to the 3rd, and the latter to the 2nd Class of the Order of Merit, for conspicuous gallantry in Action, viz :—

Ressaldar Mahomed Ayaz Khan	{	At the passage of the Gogra at Fyzabad, on the 25th November 1858.
Ressaidar Abdool Rhuman Khan		On the Koria-allee River, on the 25th April 1859.

No. 1273 of 1859.—His Excellency the Governor General in Council is pleased to admit Jemadar Wariam Sing and Duffadar Hurdeo Sing, of Meade's Horse, to the 3rd Class of the Order of Merit, in consideration of their conspicuous gallantry and the excellent services rendered by them during recent operations against the Rebels in Rajpootana.

No. 1274 of 1859.—Assistant Apothecary Robert Barker, of the Subordinate Medical Department, is dismissed from the Service, and is declared incapable of serving the Government in any situation.

No. 1275 of 1859.—The under-mentioned Officer has returned to his duty on this Establishment, without prejudice to his rank :—

Captain Albert Henry Bamfield, of the 56th Native Infantry, Brigade Major, Peshawur	{	Date of Arrival at Bombay.
		25th August 1859.

No. 1276 of 1859.—The under-mentioned promotions are made :—

In whose room.	From what date.	To what Rank promoted.	Rank and Names.	Corps.
Brevet Major R. C. Barclay, deceased.	3rd September 1859.	Captain ...	Lieutenant Montagu	68th N. I.
		Lieutenant...	Ensign John Henry Baldwin..	

No. 1277 of 1859.—The old Native Army of Bengal, although by far the larger portion of its Regiments have mutinied against the Government, and have ceased to exist, yet contained, as is well known, several Corps whose loyalty was proof against temptation, fanaticism, and threats, and who have throughout the late disturbances continued at their respective posts; some employed in their ordinary Military duties, and others actively engaged in conflict with the Mutineers and Rebels.

2. The Corps and portions of Corps which have remained loyal and have retained their Arms are the following :—

- The 5th Troop 1st Brigade Horse Artillery.
- The 1st Company 7th Battalion.
- A few men of the 2nd Company 8th Battalion, and of the 6th Company 9th Battalion, Foot Artillery.
- The Local Company of Artillery in Assam.
- A portion of the Corps of Sappers and Miners.
- A small portion of the 3rd Light Cavalry.
- The 21st Native Infantry.
- The 31st Native Light Infantry.
- The 66th Goorkha Regiment.
- The 73rd Native Infantry.

Portions of the 13th, 48th, and 71st Regiments of Native Infantry, now formed into the Lucknow Regiment ;—of the 42nd Light Infantry ; a few men of the 1st, 7th, 8th, 11th, 12th, 15th, 29th, 30th, 39th, 40th, 46th, 50th, 52nd, and 67th Regiments of Native Infantry.

The Kelat-i-Ghilzie Regiment.

The Regiment of Ferozepore.

The Sirmoor Rifle Regiment.

The Kemaon Battalion.

The Nusseree Battalion.

The Bhaugulpore Hill Rangers.

The 1st and 2nd Assam Light Infantry Battalions.

The Mhairwarrah Battalion.

The Sylhet Light Infantry Battalion.

The Arracan Battalion.

The Shekawattee Battalion.

The Pegu Light Infantry Battalion.

The Malwah Bheel Corps.

The Meywar Bheel Corps.

The Sebundy Sappers and Miners.

The 1st, 2nd, 4th, 6th, 7th, 16th, 17th, and 18th Regiments of Irregular Cavalry.

Portions of the 3rd, 8th, 9th, 12th, and 13th Regiments of Irregular Cavalry.

The Ramghur Irregular Cavalry.

The Corps of Guides.

The Punjab Irregular Force, consisting of 3 Horse Field Batteries ;

The Hazara and the Peshawur Mountain Train Batteries ;

5 Regiments of Irregular Cavalry ; and 6 Regiments of Irregular Infantry.

The 4 Regiments of Sikh Infantry.

3. His Excellency the Viceroy and Governor General in Council, in enumerating these faithful Regiments, desires to award to them all the praise which their excellent conduct has earned ; and to notice briefly the services of those which have most distinguished themselves.

4. The 5th Troop 1st Brigade of Horse Artillery, from the commencement of the Mutiny at Hoshayarpore, took up a decided position on the side of order and loyalty ; it maintained that position in the midst of mutinous Troops at Jullundur, and its good conduct at the Siege of Delhi and on the day of the Capture of that City was very conspicuous.

5. A portion of the Sappers and Miners did good service at Delhi throughout the Siege, and these men subsequently served in the Operations in Rohilcund and Oude.

6. The 31st Native Light Infantry pre-eminently distinguished itself by its loyalty under severe trials ; and the larger portions of the 42nd Light Infantry and 3rd Irregular Cavalry, which served in the same District, have, by their devotion and gallantry, well earned the thanks of Government.

7. Of the men of the 13th, 48th, and 71st Regiments, it is sufficient to say that they formed part of the heroic Garrison which defended Lucknow under Sir J. Inglis.

8. Parties of the 1st, 12th, 15th, 30th and 50th Regiments of Native Infantry escorted their Officers to places of safety ; and those of the 8th Irregular Cavalry sacrificed their own interests, and hazarded the lives of their families and their property, in protecting their Officers and other Europeans. By the exertions of a Detachment of the 12th Irregular Cavalry, the Goruckpore District was kept free from disturbance for some time at an early and critical period.

9. The Regiment of Ferozepore, after the very important service which it performed at Allahabad when the Mutiny broke out, took part in the triumphant march of Sir Henry Havelock from Allahabad to Cawnpore, and into Oude, and eventually to the Relief of Lucknow ; and it was subsequently employed under Sir J. Outram, His Excellency the Commander-in-Chief Commanding, in the final subjugation of Oude, and on the Frontier under Sir Hope Grant.

10. The Sirmoor Rifle Regiment has achieved a lasting reputation by its noble services at Delhi.

11. The Sylhet Light Infantry Regiment distinguished itself by actively and effectually opposing the mutinous regular Troops which rebelled in that District.

12. The Shekawattee Battalion has performed essential service in quelling disturbance in the Sumbulpore District and in Chota Nagpore.

13. To the 1st Irregular Cavalry the Government is indebted for the very valuable service which it rendered on the occasion of disarming the mutinous Regiments at Mooltan.

14. The services of the Corps of Guides, from the time it was first raised, are recorded in the archives of Government. The extraordinary march of this fine Regiment in May and June 1857, the hottest season of the year, from the Peshawur Frontier to Delhi, a distance of 580 miles, in 22 days, is a feat not surpassed ; and this Corps took its full share in the Siege of Delhi.

15. Of the Punjab Irregular Force, the following Regiments have served with great distinction in the North-Western Provinces and in Oude.

Detachments of the 1st, 2nd and 5th Cavalry at the Siege of Delhi ; afterwards with Colonel Greathed's Column ; and subsequently in Rohilcund and Oude ;

The 1st, 2nd and 4th Infantry at the Siege of Delhi ;

The 5th in Oude, and on the Nepal Frontier, where it is still employed ;

The 1st, 2nd and 3rd Regiments of Sikh Infantry in Rohilcund, Oude and Goruckpore ;

The 4th Sikh Regiment at the Siege of Delhi.

16. Of the good services of many of the Native Regiments which were raised in the Punjab and in the North-West Provinces, for the suppression of the Mutinies, no mention is made on this occasion, because this General Order has reference solely to the old Native Army of Bengal, and to the disposal of the Regiments of which it was composed.

17. Among the Corps which remained loyal and have retained their Arms, the 5th Troop 1st Brigade Horse Artillery has been mentioned, together with some Companies of Foot Artillery.

18. Had it been possible to make an exception in favor of any men of the Native Artillery, it would have been made in behalf of that Troop whose well-proved fidelity has been above described. But it has been resolved that henceforward, in the Bengal Army, with such very few exceptions as may be rendered necessary by local considerations, there shall be no Native Artillery. Accordingly the men of the Artillery who have deserved well of the Government, including, besides those mentioned above, the following Companies which have been disarmed, viz., the 4th Company 7th Battalion ; the 4th and 5th Companies 8th Battalion ; and the 1st, 2nd, 3rd, 4th and 5th Companies 9th Battalion, have been allowed the



option of enlisting into Irregular Regiments of Cavalry and Infantry, and into the Police, or of taking their discharge with gratuity.

19. During the first few months of the Mutiny of 1857, in which the greater part of the Bengal Native Army rose in arms against the Government, it became necessary to deprive of their Arms such of the Native Regiments as, without overtly committing themselves, evinced an unquiet temper; and such also as, from the circumstances of their position, were a source of uneasiness to the public, so long as they possessed the means of doing violence.

In the North-Western Provinces and in the Punjab the following Regiments were disarmed; the 4th, 5th, and 8th Light Cavalry; the 4th, 16th, 24th, 27th, 33rd, 35th, 39th, 44th, 47th, 49th, 58th, 59th, 64th, 65th, 67th Regiments Native Infantry; and besides these, the 4th Troop 3rd Brigade Horse Artillery, the 10th Light Cavalry; the 5th, 26th, 45th, 51st, 57th, 62nd, 69th Regiments of Native Infantry, having been in the first instance disarmed, subsequently mutinied.

20. On like considerations the disarming of the Native Infantry Regiments at Calcutta and Barrackpore took place.

*The Calcutta Native Militia.*  
*The 2nd N. I. (Grenadiers.)*  
*The 31st, 43rd and 70th N. I.*  
21. It was effected without difficulty. The Calcutta Native Militia gave up their Arms cheerfully, and the Regiments of the Line delivered up their's without any sign of resistance.

22. The 32nd Native Infantry, after the mutiny of two detached Companies of this Regiment who murdered one of their Officers, willingly gave up their Arms at the order of their Commanding Officer, and in that condition joined the Brigade at Barrackpore.

23. At Berhampore the 63rd Native Infantry and the 11th Irregular Cavalry were likewise disarmed; and at Benares, the Left Wing of the 25th Native Infantry.

24. From that time to the present, these Regiments have continued to perform such duties as have been required of them. One of them, the 70th Native Infantry, having towards the close of the year 1857 volunteered for service in China, was re-armed and despatched thither. Its conduct in that Country has been without fault. Another Corps of the Barrackpore Brigade has ceased to exist; the remnants of this Regiment, the 34th Native Infantry, after considerable diminution by discharge and casualty, having been incorporated last year with the 2nd Grenadiers.

25. So long as the disturbances continued to prevail in Bengal and in the Upper Provinces, it was impracticable to take any measures with regard to the disarmed Regiments in the Presidency Division and elsewhere. But as the Provinces quieted down, and as opportunity served, Regiment after Regiment, of the few remaining embodied and unarmed, has been finally dealt with as each appeared to deserve; some have received back their Arms; others have been disbanded and have dispersed quietly to their homes.

26. Of the former class are the 4th Native Infantry, (Right Wing), the 33rd, 58th and 59th Regiments; the 47th and 65th Native Infantry, which were re-armed and sent on service to China; the *Loyal Poorbuh Regiment*, composed of the faithful remnants of the 3rd, 36th and 41st Regi-

ments; the Corps of the same description, in which are united the loyal men of the 17th, 37th and 50th Regiments; and the few remaining men of several Corps, above renumeraled, who did not join in the Mutiny of their misguided comrades, and are now about to be gathered together and re-armed.

27. Finally the attention of the Government has been engaged with the case of the Regiments at Barrackpore and Berhampore, and of the 25th Native Infantry at Benares; and the determination of the Government with regard to these Corps is now announced for general information.

28. *The 2nd Native Infantry, (Grenadiers.)*—This Regiment is one of the oldest in the Bengal Army. It was raised in 1762, and during nearly a century it has occupied an honorable position in the Line. In October 1764, within two years of its formation, it took part in the Battle of Buxar; it was employed in the Campaigns in Guzerat from 1778 to 1784; it was greatly distinguished in the successful Defence of Candahar in 1842, and at the Capture of Ghuznee and of Cabool in the same year; it won for itself an Honorary Color, on which the word "Ghuznee" is inscribed, and the distinction of being made a Grenadier Regiment; it was engaged in the Battle of Maharajpore in 1843, and in the actions at Moodkee and Ferozeshuhur in 1845. It bears all these honorable names on its Colors.

29. But the high reputation of this Regiment has been tarnished, and its name disgraced by the taint of disloyalty.

30. From the very commencement of the Mutinies, in the early part of 1857, the 2nd Grenadiers have been mixed up with the combination of the Army against the State. There is no overt act of disloyalty which can be proved against the Regiment; but its conduct has, from the first, been the subject of well-grounded suspicion.

31. It was to the 2nd Grenadiers that the treasonable letters were addressed by the Mutineers at Delhi, the bearers of which paid for their undertaking with their lives.

32. To restore its Arms to a Regiment so circumstanced is, notwithstanding all its former distinguished services, impossible:—and the Governor General in Council directs that the 2nd Grenadiers shall be disbanded, and its name erased from the Line.

33. The disbandment of this Regiment will be carried into effect in the following manner:—

34. Returns having been obtained of the character and services of every Native officer and man in the Regiment, those who are of bad or indifferent character, &c. in number of all ranks, will be dismissed from the Service and sent away from Barrackpore at the rate of about forty men a week, with a donation of subsistence allowance, calculated according to the distance of their respective homes.

35. The remainder of the Regiment, consisting, after numerous discharges, of 441 of all ranks, men of good character, and against whom individually no fault is chargeable, has been divided into three classes:—

1st.—Men who have served upwards of 20 years;

2nd.—Men who have served upwards of 8, but less than 20 years; and

3rd.—Men who have served less than 8 years.

These will all be discharged, and sent away in convenient numbers, in the same manner as the

men who took their discharge last year from the Barrackpore Brigade

36. The whole will be granted subsistence allowance for their journey, according to the distance of their homes; and on arriving at Stations near their homes, where there may be Treasuries, they will receive a certain amount of Pay, without Batta:

Those of the first class, six months' pay; those of the second class, four months' pay; and those of the third class, two months' pay.

37. Incorporated with the 2nd Grenadiers since last year, are the remains of the late 34th Native Infantry,—in all, 74 men of all ranks. These have had no concern with the conduct of the 2nd Grenadiers; they are men who remained loyal when their comrades of the 34th joined in the Mutiny. The Governor General in Council has determined that they shall be re-armed and remain in the Service.

38. *The 25th Regiment Native Infantry.*—This Corps was raised in 1795, as a marine Regiment, and has done much good service beyond Sea. It served with distinction at Java in 1811, and took part in the actions at Chillianwalla and Goojceerat, in the Campaign of the Punjab, in 1849.

39. The temper of this Regiment, during the Mutinies, has not been such as to deserve the confidence of the Government; and His Excellency in Council considers that the disbandment of the 25th Native Infantry is necessary.

40. The Regiment will be dispersed in the same manner as the 2nd Grenadiers. The men of bad and indifferent character, 199 of all ranks, will first be dismissed, in convenient numbers at a time, with subsistence allowance for their journey homewards; and the remainder, who are men of good character, in number 382 of all ranks, having been divided into classes according to length of service, will be discharged with subsistence allowance, and will eventually receive a donation of six, four and two months' pay respectively.

41. Besides the men of good character, whose number is given above, there are in this Regiment one Subadar and six Havildars, who were promoted for eminent service to Government during the Mutinies. These men will be re-armed and retained in the Service, in consideration of their loyalty. They will be attached to Regiments under the orders of the Right Hon'ble the Commander-in-Chief.

42. *The 32nd Regiment Native Infantry.*—This Corps, now considerably below its complement, consists of men who kept aloof from the Mutiny and murder of which two Companies of the Regiment were guilty in 1857;—who gave up their arms with alacrity, at the bidding of their Commanding Officer;—and who, from that time to the present, have conducted themselves with soldier-like propriety.

43. To this Regiment the Governor General in Council will restore its arms, as a mark of his confidence in their fidelity. At the same time the worn-out men belonging to it will be invalided or otherwise favorably dealt with; and the men of bad or doubtful character will be discharged with subsistence allowance.

44. The Corps will be removed from Barrackpore, as soon as it can be relieved, under arrangements now in progress for that purpose.

45. *The 43rd Light Infantry.*—This Regiment was disarmed in 1857, not because the Govern-

ment had any reason to suspect it of disloyalty, but as a precaution. The Regiment bore this measure in a soldier-like manner, and has throughout exhibited an orderly and quiet temper.

46. This Corps served in Affghanistan in 1842, at Candahar, at Ghuznee, and at Cabool; and won for itself the honor of being made a Light Infantry Regiment. It served also with distinction at Maharrajpore, in 1843, and at the decisive action at Subraon in 1846.

47. The Governor General in Council, in reliance on the loyalty of the 43rd, has resolved that it shall be re-armed; at the same time its worn-out men will be dealt with under the Pension Regulations, and the few in it who are men of bad or doubtful character will be discharged with subsistence allowance.

48. The Corps will be removed to another Station, as soon as the measures now being adopted for relieving it shall have been carried out.

49. The men formerly of the 31th N. I. above mentioned as incorporated with the 2nd Grenadiers, will be transferred to the 32nd and 43rd Regiments, in equal proportions.

50. *The 63rd Regiment Native Infantry.*—This Regiment, which in 1857 was disarmed as a precautionary measure, and has behaved in an exemplary manner under that privation, will have its arms restored to it. The Governor General in Council has reason to believe that the 63rd, which was known for many years as a steady Regiment, will justify by its future conduct the confidence now placed in it.

51. The Regiment will be relieved, shortly, under the arrangements for that purpose already in progress.

52. Before this Corps receives back its arms those who are worn-out, in number 25 of all ranks, will be dealt with under the Pension Regulations; and those of bad or doubtful character, amounting in all 121 men, will be discharged with subsistence allowance for their journey home.

53. *The Calcutta Native Militia.*—This Regiment was raised in 1795, and has always borne an excellent character. Heretofore it has been a local Corps. It remained untainted during the Mutinies, and has continued steadily to perform the duties required of it, both before it was disarmed and since that period. It was disarmed solely as a precaution, and it delivered up its arms, as has before been mentioned, cheerfully.

54. The Governor General in Council has determined that this Regiment shall be again entrusted with its arms, after having its worn out men separated from it under the Pension Rules, and its men of bad or doubtful character discharged with subsistence allowance; and His Excellency in Council has further resolved that, in respect of Pay and Pension, the Calcutta Native Militia shall be placed on the footing of a Corps of the Line.

55. The designation of the Regiment will henceforward be "The Alipore Regiment." The proffer of general service made by this Corps is accepted by the Government.

56. *The 11th Regiment Irregular Cavalry.*—This Regiment was disarmed at Berhampore at the same time with the 63rd Native Infantry, although not without a show of disposition on the part of some of the men to resist that measure. But it contains in its ranks many excellent men, who have rendered good service to the State, and its subsequent conduct has been soldier-like and creditable.

57. The Corps was raised in 1846, and served with distinction at Mooltah and at Goojerat in 1849, in the Campaign of the Punjab.

58. All men of bad or doubtful character in the Regiment will be discharged, with subsistence allowance, to their homes. The worn-out men will be invalided or otherwise favorably considered.

59. The remainder, amounting to 263 men of all ranks, the Governor General in Council considers, may be retained with advantage in the service of the State. But the Regiment will not continue embodied; and such of these men as shall desire to remain in the Service will be required to enter other Corps of Irregular Cavalry of their own selection, and will proceed to join those Corps under orders which will be issued by the Commander-in-Chief.

60. The Governor General in Council requests that His Lordship the Commander-in-Chief will have the goodness to carry out the measures which this General Order announces, and which have already received His Lordship's concurrence, in such manner as he may deem expedient.

After the arrangements announced in this Order shall have been carried out, the Corps which will have ceased to exist in the Bengal Army will be the following:—

- 4th and 5th Troops 1st Brigade Horse Artillery.
- 4th Troop 2nd Brigade Horse Artillery.
- 4th Troop 3rd Brigade Horse Artillery.
- 7th, 8th and 9th Battalions Field Artillery.
- 10 Regiments of Light Cavalry.
- 1st Native Infantry, 2nd Grenadiers; 3rd, 5th, 6th, 7th, 8th, 9th, 10th, 11th, 12th, 13th, 14th, 15th and 16th Grenadiers; 17th, 18th, 19th, 20th, 22nd, 23rd, 24th, 25th and 26th Light Infantry; 27th, 28th, 29th, 30th, 34th and 35th Light Infantry, 36th, 37th, 38th, 39th, 40th, 41st, 44th, 45th, 46th, 48th, 49th, 50th, 51st, 52nd, 53rd, 54th, 55th, 56th, 57th, 60th, 61st, 62nd, 64th, 67th, 68th, 69th, 71st, 72nd and 74th Regiments Native Infantry.
- Ramghur Light Infantry Battalion.
- Hurreanah Light Infantry Battalion.
- 5th, 10th, 11th, 12th, 13th, 14th and 15th Regiments Irregular Cavalry.
- Oude Irregular Force, composed of—
  - 3 Horse Field Batteries,
  - 8 Regiments Irregular Cavalry, and
  - 10 Regiments of Irregular Infantry.
- Joudpore Legion.
- United Malwa Contingent.
- Bhopal Contingent.
- Kotah Contingent.

R. J. H. BIRCH, *Major-General,*  
*Secy. to the Govt. of India.*

### Orders by the Lieutenant-Governor of Bengal.

No. 5461.

APPOINTMENTS.—*The 1st September 1859.*—Assistant Overseer Serjeant A. C. Galbraith is transferred from the Circular and Eastern Canals, to the Barrackpore Division of Public Works.

Probationary Assistant Overseer Private J. Ryan is transferred from the Barrackpore Division of Public Works, to the Circular and Eastern Canals.

*The 5th September 1859.*—Mr. C. J. Jackson to officiate as Civil Assistant Surgeon of Sarun.

LEAVE OF ABSENCE.—*The 2nd September 1859.*—Baboo Panchanun Banerjea, Principal Sudder Ameen of Rajshahye, during the ensuing Dusserah Vacation, under Clause 2, Section VII. of the Uncovenanted Absentee Rules.

*The 6th September 1859.*—Mr. Browne Wood, Assistant Commissioner at Rajmehal, for one month, under Section VII. of the Uncovenanted Absentee Rules. Mr. J. Scott, Assistant Commissioner at Deoghur, will conduct Mr. Wood's duties during his absence, or until further orders.

RIVERS THOMPSON,  
*Junior Secy. to the Govt. of Bengal.*

### Orders by the Lieutenant-Governor, Punjab Provinces.

General Department,

No. 2011, dated 27th August 1859.

Leave of Absence.—Captain A. I. Busk, Deputy Commissioner of Umballa, has obtained one month's privileged leave, from the date he may avail himself of the same, under Section XII. of the Civil Service Absentee Rules.

No. 2012.

Captain S. Graham, Deputy Commissioner of Peshawur, has obtained one month's privileged leave, from the date he may avail himself of the same, under Section XII. of the Civil Service Absentee Rules.

No. 2014.

Mr. Cecil Burton, Extra Assistant Commissioner, Kurnal, has obtained an extension of leave to 31st October next, under Section V. of the Uncovenanted Service Leave Rules.

Appointment.—Mr. H. E. Perkins, Assistant Commissioner, has been appointed Secretary to the Local Committee of the Lahore District, in succession to Mr. W. B. Jones, transferred to Shahpoor.

No. 1604, dated 6th July 1859.

Lieutenant R. G. Sandeman, appointed Assistant Commissioner in the *Punjab Gazette* of the 7th May last, was posted to Kohat on 6th July 1859.

By Order of the Hon'ble the Lieutenant-Governor of the Punjab Provinces,

R. H. DAVIES,  
*Secy. to Govt., Punjab Provinces.*

# Opium Notification.

NOTICE is hereby given, that the tenth Sale of Opium, the provision of 1857-58, will be held at the Exchange Hall, on Friday, the 14th of October 1859, at 11 A. M., and will comprise 2,260 Chests, viz:—

Behar Opium ... ..	1,915
Benares Ditto ... ..	345
Total Chests...	2,260

2. The general conditions of the Sale now advertized will be the same as usual. They may be ascertained by reference to the Notification issued on the 1st December 1858, and published in the *Government and Exchange Gazette*, or on application at the Office of the Board of Revenue.

3. The latest dates for deposit and clearance will be the 19th and 29th October 1859, respectively, that is to say, no Sub-Treasurer's Receipts, Company's Paper or other Public Securities that may be tendered for deposit in redemption of Promissory Notes given by purchasers at the Sale, will be received after 4 P. M. of Wednesday, the 19th October 1859, and no Treasury Receipts in full payment of lots will be accepted after 4 P. M. of Saturday, the 29th October 1859.

4. In addition to the quantity above advertized for Sale, the following quantities more or less of Behar and Benares Opium of 1857-58 will be brought to Sale in the present year, on or about the dates specified below. The Board however reserve to themselves the right of altering these dates, should circumstances render it expedient to do so.

	Behar about Chests.	Benares about Chests.	Total about Chests.
On or about Monday, 7th November 1859	1915	345	2260
Do. Monday, 5th December ..	1344	379	2313
	3849	724	4573

By Order of the Board of Revenue,

ASHLEY EDEN,  
Offg. Junior Secretary.

FORT WILLIAM,  
The 1st September 1859. }

## Notice.

It is hereby notified, that the provision of Opium of 1858-59, to be brought forward at the Monthly Sales of the ensuing year 1860, will consist of about 15,245 Chests of Behar and 6,119 Chests of Benares Opium, inclusive of the 300 Chests to be reserved for the French Government. The Opium will be sold on or about the 10th of each month, as usual, and the precise dates will be notified in due course.

2. The quantity to be put up at each of the Monthly Sales will consist of 1,270 Chests of Behar and 510 Chests of Benares Opium more or less, being an equal distribution as nearly as cir-

cumstances will allow, of the entire provision into the twelve Sales of the year.

3. The general Conditions of Sale will be the same as heretofore, and will be published in December next as usual, with the notification of particulars relating to the first Sale of the ensuing year.

By Order of the Board Revenue.

ASHLEY EDEN,  
Offg Junior Secretary.  
FORT WILLIAM,  
The 7th September 1859. }

## Notice.

THE Steamer *Hoorungolla* will, until further notice, leave Dinapore on the 15th, and Fyzabad on the 5th of every month. Passengers intending to embark at Dhooree Burhul should be ready there on the 19th of the month for the upward voyage, and on the 6th for the downward.

The following list of charges for Passengers, and Freight for private Goods, is published for general information.

St. G. TUCKER,  
Commissioner and Superintendent.  
COMMISSIONER'S OFFICE ;  
Fyzabad Division,  
The 3rd August 1859. }

Scale of Private Freight and Passage between Dinapore and Fyzabad.

### CABIN PASSAGE.

From Dinapore to Dhooree Ghaut, 100 miles, 4 annas per mile.

From Dhooree Ghaut to Fyzabad, 100 miles, 4 annas per mile.

200

Quarter Deck, when Cabins are not available, at 4 Rupees per diem, for the estimated time (3 days to the former and 6 to the latter.)

Deck Passage,  $\frac{1}{2}$  anna per mile.

Return Passage, Cabin,  $\frac{2}{3}$ ds of upward rates Quarter Deck for the time, (2 days from Station to Station.)

### UPWARD FREIGHT.

Dinapore to Dhooree Ghaut,  $\frac{1}{4}$  annas per foot or 8 annas per maund.

Dhooree Ghaut to Fyzabad, 4 annas per foot or 8 annas per maund.

N. B.—No Package conveyed up or down less than one Rupee and eight Annas.

### ON TREASURE.

From Station to Station, 4 annas per cent.

From Station to Station, Copper Coins, 8 pies per lb.

### CARRIAGES.

Freight on Carriages up to any Station, 3 pies per lb.

### CATTLE TO ANY DISTANCE.

Horses, 20 Rupees each } Intermediate  
Bulls and Cows, 20 Rupees each } up 10 Rupees each.

Sheep, Dogs, and Goats, &c., 4 Rupees each. Intermediate up, 2 Rupees 8 Annas each.

All Downward Freight,  $\frac{2}{3}$ ds of the upward.

The Regulations regarding Passengers, Baggage, Freight, are to be observed the same as the Ganges Line.

H. HOWE,  
Secy. to the Supdt. of Marine.

# Telegraph Department.

## NOTICE.

THE following List of Telegraph Offices now open or the receipt of Messages, is published for general information :—

## BENGAL.

Calcutta	..	
Atheepore	..	
Hooghly Point	..	
Diamond Harbour	..	
Mud Point	..	
Saugor Island	..	
Kookroohattee	..	
Kedgerree	..	
Midnapore	..	
Barrackpore	..	
Burdwan	..	
Raneegunge	..	
Burhee	..	
Sherghotty	..	
Sasseram	..	
Benares	..	
Rajmahal	..	
Monghyr	..	
Bhaugulpore	..	
Patna or Dinapore	..	

Stations on Hooghly River.

Line to N. W. Provinces.

Ganges River Line.

## DACCA.

Jessore	..
Dacca	..

## N. W. P. AND PUNJAB.

Allahabad	..	
Cawnpore	..	
Futtyghur	..	
Agra	..	
Allyghur	..	
Delhi	..	
Umballa	..	
Loodiana	..	
Phillor	..	
Jullunder	..	
Umritsur	..	
Lahore	..	
Rawul Pindee	..	
Attock	..	
Peshawur	..	
Mooltan	..	

Branch to Calpee.  
" " Lucknow.  
" " Fyzabad.  
" " Gonda.  
" " Shahjehanpore.

Branch to Meerut.  
" " Moradabad.  
" " Bareilly.

Branch to Kussowlie.  
" " Simla.

Branch to Murree

## BOMBAY.

Bombay	..	
Parrell	..	
Malabar Point	..	
Matheran	..	
Dapooree	..	
Tanna	..	
Nassick	..	
Malligaum	..	
Dhoolia	..	
Bulsur	..	
Surat	..	
Baroda	..	
Baroach	..	
Kaira	..	
Ahmedabad	..	
Dessa	..	

NOTE.  
For use of the Governor. Open when he resides at each place.

\* Line to Agra.

Line to Guzerat and Scinde.

## Poonah

Sattara  
Kolapore  
Belgaum

Dharwar  
Gudduck

Seerpore  
Ackberpore  
Indore  
Beowra  
Sepree  
Gwalior

Madras  
Guindy\*  
Mount  
Pondicherry  
Negapatam  
Pootocottah  
Paumben  
Poonamallee  
Vellore  
Bangalore  
Secrah  
Bellary  
Mysore  
Ootacamund  
Mercara  
Cannanore  
Calicut  
Cochin

Kurnool  
Hyderabad  
Secundrabad  
Warrungul  
Chanda  
Chinnoor  
Nagpore  
Kamptee  
Seone  
Jubbulpore  
Rewa  
Mirzapore

Jelasore  
Balasore  
Cuttack  
Berhampore  
Chicacole  
Chutterpore or Ganjam.  
Vizagapatam  
Dowleisharum or Rajamundry.  
Masulipatam  
Bezwarrah  
Coconada  
Ongole  
Nellore

Kurrachee  
Keamarce  
Gizree  
Kotree  
Hyderabad  
Buddeona  
Nuggur Parkur  
Taroosha  
Sukkur  
Shikarpore  
Jacobabad

Branch to Seroot.  
" " Ahmednuggur.  
" " Mahabaleshwur.  
" " Sawunt Warree.  
" " Kugorla.  
" " Goa.

## INDORE.

Line from Bombay to Agra.

## MADRAS.

\*Open only during residence of the Governor.  
Line to Ceylon.  
Line to Bombay.  
Line to Neilgherries and Malabar Coast.

## CENTRAL INDIA.

Station of Observation in case of interruptions.

## EAST COAST.

## SCINDE.

\* Harbour Stations for Kurrachee and Gizree, mouth of the Indus.

127 Miles N. of Hyderabad.  
7 Miles N. W. of Nowshera.

Kusmore	...	{ 12 Miles S. of Sheawalla Frontier between Scinde and Punjab.
Rajanpore	..	{ 4 Miles N. E. of Aasee. 12 Miles N. E. of Mitteucote on the Indus.
Deera Gazee Khan	...	
Rangoon	...	PEGU.
Henzada	...	
Menghye	...	
Shoaghyeen	...	
Prome	...	
Tonghoo	...	
Thyet-myo	...	
Pegu	...	
Point de Galle	..	CEYLON.
Colombo	...	
Kandy	..	
Mehintelle	..	
Manaar	..	

W. B. O'SHAUGHNESSY,  
Superintendent, Electric Telegraphs in  
India and Ceylon.

BANGALORE, }  
The 10th August 1859. }

*RULES for the preservation of the Government  
Invalid Bungalows at Almorah, with the conditions  
upon which Officers of all ranks are permitted to  
occupy them :—*

1. No Officer is to take possession of a bungalow on any account without application to the Executive Engineer, who will submit the same to the Commanding Officer.
2. The first Invalid who arrives at the Station of Almorah is to have his choice of bungalows, and so on in rotation till they are all occupied. In the event of a number arriving at the same time, the seniors are to have a prior claim to choose.
3. Should the number of bungalows be at any time inadequate for the separate accommodation of Gentlemen or Families, the largest house inhabited by a bachelor will be liable to receive a second occupant, and so on in rotation; married Officers to be the last subject to this arrangement. But when it becomes necessary for more than two bachelors to occupy one house, married Officers will be requested to move into one of the smaller houses, leaving the larger for the accommodation of more than two bachelors.
4. The bungalows will be delivered over to individuals by the Executive Engineer or one of his subordinates, and Officers are requested in concert with the Executive Engineer or his subordinates particularly to examine them, as it is to be distinctly understood that any damage which may have happened wilfully or through carelessness to any bungalows during the occupation of the property, is to be made good by the occupants.
5. To enable the Executive Engineer to examine the buildings, timely information is to be given him by Invalids of the probable period of their departure from the Station.
6. The repairs which Government authorize at their own expense to these bungalows are annual and quadrennial repairs, which merely consist of white-washing, renewals to perishable articles, such as jhamps, ceiling cloths, &c., when

found to be worn out, and trifling repairs, such as stopping of leaks, &c., the neglect of which by occupants might cause ultimate damage to the property; all other repairs to these buildings whilst occupied, such as repairs to doors, windows, jhamps, replacing broken panes of glass, &c., to be made by the Executive Engineer, but at the expense of the occupants.

7. Such expense to be paid to the Executive Engineer on his presenting a bill for the amount.

8. No alteration, changes or additions of any kind to be made to any bungalows, or part of a property without the sanction of the Executive Engineer.

9. And any alterations and additions which may have been sanctioned and executed are not to be taken down or removed on the departure of any Invalid, but are to be considered the property of Government.

10. Officers who may not feel inclined to submit to the above Rules are to be considered as having forfeited their title to occupy any bungalow.

(True Copy)

D. Moss,  
Offg. Asst. to the Chief Engineer, N. W. P.

### Notification.

With the sanction of the Governor General of India in Council, it is hereby declared that the Port of Bassein and the navigable River and Channels leading to the Port are subject to Act XXII. of 1855.

The Limits of the said Port of Bassein are as follows :—

*To the North.*—A line drawn North-East from South side of Kyook Choung Gyee Creek through Shway Mien Den Pagoda.

*To the South.*—A line drawn from the South Bank of the Pamawaddy River, North-West through Ashby Rocks.

*To the East and West.*—So much of the Bassein River within the above limits and the shores thereof as are within fifty yards of high water mark spring tides.

The Limits of the navigable River and Channels leading to the said Port, made subject to the said Act, are as follows :—

*To the North.*—The Port of Bassein as above defined.

*To the South.*—A line drawn East and West through Porian Point to South end of Diamond Island and from thence North North-West through Pagoda Point.

All parts of the Bassein River between the said Limits and below high water line at spring tides are subject to the said Act.

### PORT RULES.

1. No Vessels of above 200 Tons shall enter within the limits of the Port of Bassein or move from one place to another within the Port between sunset and sunrise, without the special permission of the Master Attendant.



II. The Commander of all Vessels arriving at the Port of Bassein are desired to enter correctly in the Columns of the Report Book of the Master Attendant as soon as presented to them, the information therein required regarding their Vessels. They will also report in writing to the Master Attendant the particulars noted in the form appended hereto.

III. All Commanders of Vessels arriving within the limits of the Port of Bassein shall anchor in such a position as the Master Attendant or his Assistant shall direct. All Vessels shall moor with two bower anchors each way and shall not move from their position without a Pilot, except with the express permission of the same authority.

IV. All Commanders of Vessels shall have their jib and driver booms rigged in when required by the Master Attendant and shall strike their masts and yards when required to do so by the Master Attendant.

V. Every Ship or Vessel within the Port of Bassein shall have removed any anchor or spar or other substance projecting from her side when so required by the Master Attendant or other Officer of the Port.

VI. The Commanders of all Vessels entering the Port of Bassein with ballast on board shall without delay send to the Master Attendant a report in writing stating the description of ballast on board, the quantity in Tons and the Port of Shipment. Application must be made by the Commander to the Master Attendant for permission to tranship or land ballast, and no ballast shall be transhipped or landed except under the sanction of the Master Attendant and only at such Stations as he shall direct.

VII. A free Channel is to be kept for Ships moving up and down the River within the Port and always free passages to piers, jetties, landing-places, wharves, quays, docks and moorings and all Vessels shall be bound to move when required to clear such Channels or passage.

VIII. All Vessels within the Port of Bassein shall be moored or warped from place to place as required by the Master Attendant or other Officers of the Port, and no Vessel shall cast off a warp that has been made fast to her to assist a Vessel in mooring without being required to do so by the Pilot or Officer in charge of the Vessel mooring.

IX. No Vessels within the limits of the Port of Bassein shall boil any pitch or dammer on board or shall draw off spirits by candle or other artificial lights.

X All Vessels within the Limits of the Channel leading to the Port of Bassein shall, when at anchor between sunset and sunrise, have a good light hoisted at the starboard fore-yard arm, and all Vessels under weigh at night shall show a good light at the fore royal or upper foremost head and when under weigh in tow of a Steamer shall, in addition to the mast-head light, show a good light at each fore-yard arm, the Steamer showing the usual light prescribed by the Admiralty Regulations.

The provisions of Sections XI., XXXVII., and XL. of the said Act No. XXII. of 1855 are hereby specially extended to the Port of Basscin.

By order.

H. NELSON DAVIES,

*Personal Asst. to the Commr. of Pegu,  
and Agent to the Governor-General.*

*Form of Conservator of Ports Report Book of Arrival.*

[illegible]

**Notice is hereby given,**

THAT the CACHAR MELA, or ANNUAL FAIR, will be held at Silchar, in Cachar, on the 30th and 31st of December 1859, and the 1st, 2nd and 3rd of January 1860.

Prizes will be given, as at the last Mela, for the best specimens of Cattle, Raw Products, and Manufactures brought for sale.

Shops will be erected for the convenience of Traders, Races, Games, &c., will be held, and a display of Fire-works take place.

*N. B.*—The last Mela was attended by a great concourse of people, and large herds of Buffaloes, Cows, Ponies and Goats of all kinds were brought for sale and disposed of.

R. STEWART,

*Superintendent of Cachar.*

ZILLAH CACHAR ;  
Superintendent's Office,  
The 1st August 1859. }

**Notice.**

NOTICE is hereby given, that the Effects of the late Henry Charles Cameron Gilmore, late of Marjan Factory, Debrooghur, a Tea Planter in the employ of G. K. Barry, Esquire, of Serajgunge, who died at this Station on the 1st of August 1859, have been attached under the Seal of this Court, and will be made over to any party entitled to receive the same. If not claimed within one month, the Effects will be disposed of; under instructions from the Administrator General.

A. K. COMBER,

Principal Assistant Commissioner,  
Durrung, Tezpur.

TEZPORE ;  
Print. Asstt. Commr.'s Office,  
The 24th August 1859.

## CUSTOMS.

## LIST OF PACKAGES LYING UNCLAIMED ON THE CUSTOM HOUSE WHARF.

Date of Landing.	Mark or Address of Packages.	Ships.
1857, August 7th ...	1 Case Merchandize I C C	Str. James Hartley.
1858, October ...	164 Round Bars Iron, no mark	Contest.
Ditto ..	1 Bundle Sheet ditto, ditto	Ditto.
Ditto ..	39 bundles Hoop ditto	Ditto.
1859, January 8th ...	10 Casks Wine F in diamond	Bosphorus.
February 10th ...	73 Casks Merchandize, S in triangle N	Noomday.
Ditto ..	4 Tierces ditto ditto	Ditto.
March 5th ...	1 Case ditto, P C F in diamond	Albion.
Ditto 6th ...	40 Cases ditto, A S and Co.	Pomona.
Ditto 14th ...	1 Case ditto, Officer Commanding 97th Regiment	Augustus Wattenbach.
Ditto 21st ..	28 Cases ditto, A S and Co.	Tudor.
Ditto 23rd ...	2 Small Packages, ditto B C	Str. Fiery Cross.
Ditto ..	1 Small ditto ditto, B	Ditto.
April 5th ...	12 Cases ditto, A in diamond	Amalia.
Ditto 16th ...	9 Bundles Iron, no mark	Howden.
Ditto 16th ...	11 Pieces Iron, no mark	Ditto.
Ditto 18th ...	8 Bags Tobacco Leaf, ditto	Atieth Rohaman.
Ditto 27th ...	1 Tin Box Merchandize, Messrs. Fraser and Co.	Str. Viscount Caning.
June 27th ...	12 Cases Gin, K D P	Saladin.
July 14th ...	1 Case Unknown. Revd. H. Murray, care of L. Rawson	Scotia.
August 8th ...	1 Case ditto, A S Heathcote, Esq.	Maggie Miller.
Ditto 16th ...	1 Small Parcel ditto, Dr. Thompson, Superintendent of the Botanical Garden	Str. Fiery Cross.
Ditto 20th ...	1 Case ditto, Lieutenant-Colonel Hampton, 50th Regiment	Bucton Castle.
Ditto 26th ...	1 Trunk ditto, Captain Dennehy	Jane Leach.
Ditto ..	1 Case ditto, No mark	Ditto.
Ditto ..	1 Box Tin Plates, B M and Co.	Bucton Castle.
Ditto ..	1 Plate Sheet Iron, No mark	Ditto.
Ditto ..	1 Keg Merchandize, ditto	Ditto.
Ditto 29th ...	1 Case ditto, G G Nelson Esq. Care of J Skinner and Co.	Lodare.

F. J. COCKBURN,

Officiating Collector of Customs.

CALCUTTA CUSTOM HOUSE,

The 9th September 1859.

Sheriff's Office; the 3rd September 1859.

NOTICE is hereby given, that a Sessions of Oyer and Terminer and Gaol Delivery and also an Admiralty Sessions will be holder by the Supreme Court of Judicature at Fort William in Bengal, for the Town of Calcutta and Factory of Fort William, and the places subordinate thereto, at the Court-House in the Town of Calcutta, on Tuesday, the twentieth day of September instant, at 12 o'clock at noon.

The Court will open on the first day of the Sessions at 12 o'clock at noon, and upon each succeeding day precisely at 11 o'clock in the forenoon, of which all persons are required to take notice.

W. F. GILMORE,

Sheriff.

সরিক আকিস ৩ সেপ্টেম্বর ১৮৫৯ সাল

সমাচার দেওয়া যাইতেছে যে আগামি  
২০ সেপ্টেম্বর ১৮৫৯ সাল মঙ্গলবার দুই প্রহ-

রের সময় কলিকাতার কোর্ট উইলিএমের  
এবং তাহার অন্তঃপাতি যে সকল স্থান তন্ন-  
মিত্ত বঙ্গ দেশের কোর্ট উইলিএমের গুপ্তেম  
কোর্ট আপন আদালত ঘরে ওয়েস্টমিনস্টার  
এবং এডমাইরেলটি অর্থাৎ মহা সমুদ্র সম্প-  
র্কীয় মোকদ্দমা নিষ্পত্তি জন্য এক সেশিয়ান  
অর্থাৎ মিছিল করিবেন।

এই সেশিয়ান জতকাল পর্য্যন্ত বসিবেক  
তাহার প্রথম দিবস দুই প্রহরের সময় তা-  
হার পর প্রতি দিবস এগারো ঘণ্টার সময়  
বসিবেক এ বিষয় সকলে অবগত রাখুন।

W. F. GILMORE,

Sheriff

Statement of the Affairs of the Bank of Bengal for the Week ending 7th September 1859.

LIABILITIES.		ASSETS.	
Proprietors' Capital	1,07,00,000	Government Securities	22,88,000
Reserve Fund	1,90,819	Treasury Bills	40,00,000
Current Accounts	1,61,55,587	Dues from Government	1,77,316
Cash Credits Undrawn	4,30,723	Cash	2,00,35,368
Other Claims	1,96,921	Loans on Deposit of Securities	83,25,532
Bank Notes	1,49,70,550	Discount Loans on ditto	68,60,100
Post Bills	9,24,537	Accounts of Credit on ditto	5,45,600
Profit and Loss (Rebate Account)	36,740	Government Bills discounted	3,22,666
		Mint Certificates ditto	88,476
		Mercantile Bills ditto	7,68,150
		Dead Stock	1,82,029
		Doubtful Debts	12,555
		Interest accrued	89
	Co.'s Rs. 4,36,05,880		5 3

Published by order of the Directors,  
H. I. LEE,  
Offg. Secretary and Treasurer.

G. W. MOULTBIE,  
Offg. Accountant.

Commercial Bank of India.

CALCUTTA BRANCH.

Rates of Exchange on London Joint Stock Bank.

	s.	d.	
At 6 months' sight	2	0½	per Rupee
" 3 "	1	11¼	"
" 30 days "	1	11¼	"
" 3 "	1	11¼	"

The Bank grants Drafts on the Head Office, Bombay, and on its Branches in London, Shanghai, and Hong-Kong. Bills collected at any of the above places at a uniform charge of ½ per Cent.

The Bank will undertake the purchase or sale of Government Paper, Bank Stock and other Securities, draw Interest and Dividends payable in Calcutta, when due, at a Commission of ¼ per Cent.

No charge made when the proceeds of Sale or amount of Interest or Dividends drawn is remitted in the Bank's Bills.

Rates of Interest allowed to Deposits subject to

3 months' notice of withdrawal,	4 p. ct. per annum
6 ditto ditto ditto	5 "
2 ditto ditto ditto	6 "

Notice may be given when the money is deposited, or at any subsequent time; and it will be dispensed with in cases when the money is to be remitted through the Bank.

Current Accounts kept and Interest allowed at 2 per Cent. per annum on Balances of Rupees 500 and upwards, not exceeding Rupees 50,000, unless by special agreement.

Hours of business, 10 A. M. to 3 P. M. On Saturdays, 10 A. M. to 1 P. M.

W. S. FITZWILLIAM,  
Agent.

27, TANK SQUARE,  
Calcutta, 7th October 1858.

Court for the Relief of Insolvent Debtors at Calcutta.

In the matter of George } On Saturday, the 3rd  
Ripley, an Insolvent. } day of September instant, it was ordered that the first Saturday in the month of September 1860, be appointed for the further hearing of this matter, and that unless cause be shown to the contrary on that day, the said Insolvent be discharged personally as well as to his after acquired property from all liability for debts, claims and demands of, and against the said Insolvent at the time of the filing of his petition for relief.

Judge, Judge and Watkins, Attorneys.

In the matter of George } On Saturday, the 3rd  
Henry William Conroy, } day of September instant, it was ordered that the matters of the petition of the said Insolvent be heard on Saturday, the 5th day of November next, and that the said Insolvent do then attend to be examined by the said Court.

Oehme and Barrow, Attorneys.

In the matter of Edwin } On Monday, the 5th  
Arthur Wall, late of } day of September instant, it was ordered that the matters of the petition of the said Insolvent be heard on Saturday, the 5th day of November next, and that the said Insolvent do then attend to be examined by the said Court.

Insolvent in person.

In the matter of Mokoo } On Monday, the 5th  
Jemadar, of Jorasanko, } day of September instant,  
in Calcutta, a Matur or } it was ordered that the  
Sweeper, an Insolvent. } matters of the petition  
of the said Insolvent be heard on Saturday, the  
5th day of November next, and that the said In-  
solvent do then attend to be examined by the said  
Court.

Sherrington, Attorney.

Chief Clerk's Office, the 6th September 1859.

In the matter of Cally-  
churn Chatterjee, for-  
merly carrying on busi-  
ness as Merchant and  
Banian with one Kadar-  
nauth Mookerjee, under  
the name or style of Ka-  
darnauth Mookerjee, and  
latterly carrying on the  
said trade or business of  
Merchant and Banian  
alone in his own name,  
and lately Banian to the  
several firms of Brunet  
and Quillet, Brunet,  
Quillet and Hugard,  
Brunet and Quillet, and  
Brunet, Saliz and Lata-  
pie, an Insolvent.

Notice, that an appli-  
cation for an *ad interim*  
protection order has been  
this day made by the  
said Insolvent, and that  
such application will be  
heard and disposed of by  
the Acting Commission-  
er of the Insolvent Court,  
on Friday, the 16th  
day of September in-  
stant, at the hour of 10  
o'clock in the forenoon.

“Any Creditor of the said Insolvent, desirous  
of opposing such application, must appear before the  
said Court at the time and place aforesaid.”

T. Owen, Attorney.

In the matter of Cally-  
churn Chatterjee, for-  
merly carrying on busi-  
ness as Merchant and  
Banian with one Kadar-  
nauth Mookerjee, under  
the name or style of Ka-  
darnauth Mookerjee,  
and latterly carrying on  
the said trade or business  
of Merchant and Banian  
alone in his own name,  
and lately Banian to the  
several firms of Brunet  
and Quillet, Brunet,  
Quillet and Hugard,  
Brunet and Quillet, and  
Brunet, Saliz and  
Latapie, an Insolvent.

T. Owen, Attorney.

Chief Clerk's Office, the 9th September 1859.

### India General Steam Navigation Com- pany, Limited.

NOTICE is hereby given, that the Half-yearly  
General Meeting of Shareholders of the above  
Company will be held at the Company's Office, on  
Monday, the 12th of September, at 3 P. M., for  
passing the Accounts and declaring a Dividend.

By Order of the Directors,

FRANK STACE,  
Secretary.

CALCUTTA,  
The 5th August 1859.

### Notice.

### The Calcutta Printing and Publishing Company (Limited.)

AN Extraordinary General Meeting of Share-  
holders of the *Calcutta Printing and Publishing  
Company (Limited)* will take place on Tuesday,  
the 27th September 1859, at 4 o'clock P. M.,  
precisely, at the Company's Office, No. 1, Weston's  
Lane, Cossitollah, for the purpose of dissolving  
the Company.

Your presence on this occasion is respectfully  
solicited.

GEORGE SHALLOW,  
For Self and Board.

25th August 1859.

### Lately Published.

GUIDE TO THE

### Department of Public Works,

BY D. A. GANTZER.

SECOND edition much enlarged and improved  
and illustrated with numerous Diagrams and Plans.  
8vo. cloth, Rupees 6.

THACKER, SPINK, AND CO.

### East India Copper Company, "Limited."

At a Special General Meeting of the East India  
Copper Company held at the Company's Office,  
5, New China Bazar Street, on Wednesday, the  
21st August 1859, pursuant to the following  
Advertizments:—

“It having been resolved at a Special General  
Meeting held on the 11th day of August 1859, of  
East India Copper Company, “Limited,” that the  
said Company be voluntarily wound up, Notice is  
hereby given, that a General Meeting of the  
Shareholders will be held on Monday, the 22nd  
instant, at the hour of noon, at the Registered  
Office of the Company, No. 5, New China Bazar  
Street, to appoint a Liquidator or Liquidators,  
for the purpose of winding up the affairs of the  
Company and distributing the Property.”

“The Special Meeting of the East India Copper  
Company, “Limited,” advertized for yesterday,  
the 22nd instant, will take place on Wednesday,  
the 24th instant, at 4 o'clock, to which day it  
has been postponed in consequence of the non-  
attendance of sufficient Shareholders.”

Mr. J. M. Grob was voted to the Chair, and  
the following Resolution agreed to by all present  
and the Shareholders whose signature are hereun-  
to attached:—

“That Mr. C. Durrschmidt be appointed  
Liquidator in terms of the Act upon a Commission  
of (1) one per Cent. upon the Assets.”

(Signed) J. M. GROB,  
Chairman.

### Dooteriah Estate and Tea Company, "Limited."

THE First Half-Yearly General Meeting of the above Company will be held in the Office of the undersigned, on Tuesday, the 13th September 1859, at 3 P. M.

CHURCH, LINDSAY & Co.,  
*Secretaries.*

4, Church Lane.

### Notification.

#### Plundered or Destroyed from the Cawn- pore Treasury.

THE Public is cautioned against purchasing the under-mentioned Government Promissory Notes, of the 4 per Cent. Loan of 1854-55, standing in the name of Sheonath, the Proprietor, by whom they were never endorsed to any other person. Payment of the Notes and of Interest thereupon has been stopped at the Loan Office :—

No. 4071 of 46616, for Co.'s Rupees	25,000
" 4072 " " " " "	25,000
" 4073 " " " " "	25,000
" 4074 " " " " "	25,000
" 4075 " " " " "	25,000

N. PARSICK,  
*Depy. Collector.*

CAWNPORE TREASURY, }  
The 24th August 1859. }

### Lost.

No. 5413 of 1835-36, 4 per Cent...	Rs. 2,000
" 5414 " " " " "	" 2,000
" 16681 " " " " "	" 2,000
" 16682 " " " " "	" 2,000

The property of Mahomed Shifce of Umballa, by his Agent in Calcutta.

MOONSHEE ALEEMULLA.

### Notice.

DESTROYED in the Judge's Office during the Mutiny at Cawnpore, the under-mentioned Government Promissory Notes, lastly endorsed to Budreedoss and Benaresdoss, Mahajuns of Cawnpore :—

No. 93 of 14800 of 1835-36, Rs. 500 }	4 per Cent.
" 428 " " " 500 }	

Lost at the Lucknow Post Office, the under-mentioned Government Promissory Note, lastly endorsed to Jowahirmull, of Cawnpore :—

No. 43218 of 1856-57, 4 per Cent...Rs. 500.

RAMLOLL BUDREEDOSS.

### Notice

Is hereby given, that the left-hand or first-half of a Bengal Bank Note, No. 02390, dated 27th July 1858, lost or destroyed during the late Mutiny in transit from Maldah to Muthra. Payment of the Note has been stopped at the Bank.

PREM CHAND SINGH.

### Lost, Stolen or Destroyed.

THE under-mentioned Government Promissory Note, standing in the name of Unjoomooddowla Mahumud Jafur Ullee Khan, the Proprietor, by whom it was never endorsed to any other person. Payment of the Note and of Interest thereupon has been stopped at the Loan Office, and application is about to be made to Government for the issue of a Duplicate Note in favor of the Proprietor :—

No. 9988 of 4231, for Rs. 6,000, of 1835-36.

UNJOOMOODDOWLA MAHUMUD

JAFUR ULLEE KHAN.

LUCKNOW, }  
The 31st August 1859. }

### Lost, Stolen or Destroyed.

THE under-mentioned Government Promissory Note, standing in the name of Moortuzee Beg, the Proprietor, by whom it was never endorsed to any other person. Payment of the Note and of Interest thereupon has been stopped at the Loan Office, and application is about to be made to Government for the issue of a Duplicate Note in favor of the Proprietor :—

No. 10397, for Rs. 1,500, of 1854-55.

MOORTUZEE BEG.

LUCKNOW, }  
The 31st August 1859. }

### Lost, Stolen or Destroyed.

THE under-mentioned Government Promissory Notes, standing in the name of Wafutee Khanum, the Proprietress, by whom they were never endorsed to any other person. Payment of the Notes and of Interests thereupon has been stopped at the Loan Office, and application is about to be made to Government for the issue of Duplicate Notes in favor of the Proprietor :—

No. 15193	for Rs. 6,000 of 1832-33
" 4719 of 16199 "	" 1,000 " "
" 18018 " "	" 1,000 " "
" 16553 " "	" 18,000 " 1835-36
" 4720 " 16199 "	" 1,000 " 1832-33
" 33533 " "	" 4,100 " 1854-55

WAFUTEE KHANUM.

LUCKNOW, }  
The 31st August 1859. }

### Notice.

LOST OR STOLEN in transit by Dak from Vizagapatam to Calcutta, lower-half of Government Promissory Note, No. 8533 of 19754, dated 30th June 1841, for Rupees 1,000, standing in the name of Miss Sophia Beldero.

Payment of the Note has been stopped at the Loan Office, and application is about to be made to Government for the issue of a duplicate.

**Lost.**

HALF of a Bank of Bengal Note, No. 11566, for Rupees 100. The payment of which is stopped at the Bank.

**Lost.**

LEFT-HAND half of a Bank of Bengal Note, No. 11455, for Rupees 100, and Right-hand halves Nos. 9634C and 20126C, for Rupees 50 each, the payment of which has been stopped at the Bank.

**Postal Notice.**

THE Public are hereby informed that, under instructions from the Post-Master General, I am now prepared to receive direct charge of all Packages arriving by the private Steamers consigned to my care, as Post-Master, Government Steam, or Government Waggon Train Agent, and to defray the landing and other charges for cartage, &c. on the same, subject to realization from the Addressees (with the Bullock Train hire) on the delivery of the articles.

All Packages thus received will be forwarded on to the Addressees by Government Bullock Train with every care and expedition, and Shippers are requested to send me the Bills of Lading accordingly, and Consignees to instruct their Agents on the subject.

E. C. GEORGE,

Offg. Post-Master, and Offg. Gort.

Steam and Gort. Waggon Train Agent.

ALLAHABAD, }  
The 23rd August 1859. }

**Notices issued by the  
Post-Master of Calcutta.**

No. 1969.

The 2nd September 1859.—Notice is hereby given, that the Mail for Chittagong, for transmission per Bengal Pilot Vessel *Guide*, will be closed at this Office on Wednesday, the 14th instant, at 6 P. M.

No. 2092.

The 9th September 1859.—MAIL PACKETS for the Overland Mail, which leaves Bombay on the 26th instant, will be closed at this Office at 5 P. M., on Thursday, the 15th instant, *via* Marseilles only.

Letters and Papers for transmission *via* Bombay will be received up to 6 P. M. on every day prior to the 15th, and Inland Postage to Bombay must be prepaid in Stamps on Letters sent by this opportunity to Countries in Foreign Europe.

*Rates of Postage.*

Under ¼ oz.	Rs.	0	6	0
¼ "	"	0	8	0
½ "	"	0	14	0
1 "	"	1	0	0

*MEMORANDUM showing the Date and Hour of Arrival at the Calcutta Post Office of the Mails which left England on the 10th of August 1859, and the time occupied in sorting the Letters and Papers for delivery.*

Name of the Steamer.	Date and hour at which the Mails were landed at Garden Reach.	Hour at which the Mails arrived at the General Post Office.	Hour at which the Window Delivery commenced.	Hour at which the Peons left Office.	Delivery.	NO. OF BOXES OF LETTERS.			NO. OF BOXES OF NEWSPAPERS AND BOOKS.		
						Southampton.	Marseilles.	Total.	Southampton.	Marseilles.	Total.
Nubia.	8th Sept. 1859, 2½ P. M.	3½ P. M.	5½ P. M.	6¼ P. M.	2 hours.	5	3	8	43	19	62
									Grand Total		70
									France		3
									Alexandria		1
									Hong-Kong		1
									Singapore		1
									Penang		1
									Galle		1
									Madras		2
									Aden		2 Bags.
									Malta		Ditto
									Gibraltar		1 Packet
									Suez		1 Ditto.
									Galle		1 Ditto.
									Hong-Kong		1 Ditto.
									Bombay		1 Ditto.
									Mauritius		1 Ditto.
									Ditto		1 Bag.
									Australia		7 Ditto.
									Ditto		6 Packets
									Total	...	104

The 9th September 1859.



**Notices issued by the Post-Master General, North-Western Provinces.**

*LIST of Unclaimed Bullock Train Packages lying at the Office of the Post-Master General, North-Western Provinces, which will be sold by Public Auction to defray expenses, if not claimed within three months from this date.*

No.	Description of Packages.	Address.	Particulars.
1	1 Chest ..	Without address ...	Green Tea.
2	1 Box ..	Colonel Campbell, Commanding at Dinapore ..	2 Dozen and 11 Bottles Liquor.
3	1 Box ..	Arthur J. Ceely, Royal Highlanders ..	A Portmanteau containing Clothing.
4	1 Bullock Trunk ...	Without address ..	Containing Papers.
5	1 Tin Box ..	Ditto ...	Containing 3 vols. Materia Medica. 1 Druggist's Receipt Book. 1 Manual of Chemistry.
6		Ditto ..	1 Camp Table.
7		Ditto ...	Four Bamboo handles for Spears.
8		Ditto ...	A large Vice for Carpenters.
9		Ditto ...	An old Saddle and Bridle.
10	1 Box ..	Bailey, Esquire, Veterinary Surgeon, 9th Lancers ..	A large black Box, iron bound, contents unknown.
11	1 Box ..	Mr. Jones ..	A deal Box containing Clothing.
12	1 Ditto ..	Captain Dawson ..	1 Chest of Beer.
13	1 Ditto ..	Ditto ..	2 Dozen and 11 Bottles Sherry.
14	1 Ditto ..	W. Death, Esquire, Veterinary Surgeon, Military Train ...	Medical Stores.
15		Without address ..	A Dragoon Saddle.
16	1 Bag ..	Umeer Sing ...	A Bag containing Daigehees, Kettles, Sauce Pans, &c.
17	1 Box ...	Lieutenant Beale, 10th Foot ..	Pipes and Tobacco.
18	1 Ditto ...	G. Henderson, Veterinary Surgeon.	Containing a Revolver, Pouch, Books, &c.
19		Without address ...	Native iron articles.
20	1 Box ...	Captain J. A. Willis ..	Containing 6 Bottles Sauce, 1 broken.
21	1 Ditto ..	George G. Pearse, Esquire ..	1 Pair Cloth and 1 Pair Riding Boots.
22	1 Ditto ...	Officer Commanding European Troop ..	4 Linch Pins and 4 iron Washers for Gun Carriages.
23		Chapman, Esquire, C. S. ...	Crockery.
24		Without address ..	Native Clothing, &c.
25		Ditto ...	A Camp Table and Chick.
26	1 Bag ..	Captain Meade, 8th Kings ...	A Hog Spear.
27		Without address ..	A Camp Table.
28		Ditto ..	Part of a Tent.
29		Ditto ..	Floor Cloth.
30		Ditto ...	A Durree, &c.
31		Ditto ..	Part of a Tent.
32		Ditto ..	A Durree, &c.
33		Ditto ...	Some Books and Stationery, partially destroyed by fire.
34	1 Box ...	Ditto ...	Containing Papers and Memoranda to the address of Major Brooke, Her Majesty's 31st Regiment.
35	1 Ditto ..	Ditto ..	A small Writing Case, containing a few letters addressed Mrs. J. Hind, 26th Native Infantry.
36	1 Ditto ..	Ditto ..	A Sword in steel scabbard and a Tulwar, also a Dagger.
37	1 Ditto ..	Ditto ...	Property partially destroyed by fire. Crockery, Brass Utensils, a plated Bread Basket or Knife Box, Stationery, &c.
38	1 Ditto ...	Ditto ..	An empty Gun Case.

*LIST of Unclaimed Banghy Parcels lying at the Office of the Post-Master General, North-Western Provinces, which will be sold by Public Auction to defray expenses, if not claimed within three months from this date.*

No.	Description of Packages.	Address.	Particulars.
1	Parcel	Lieutenant Williams, refused ..	An Air Pillow.
2	Ditto	Ramdeen Zabin Chund, refused ...	2 Pieces of Cloth and 25 Australian Sovereigns.
3	Ditto	Captain Bird, Assistant Commissioner, Sultanpoor ..	Note Paper and Envelopes.
4	Ditto	Without address. ..	A Bottle, contents unknown.
5	Ditto	F. Peterson, (refused) ..	3 Dozen gilt Staff Buttons.
6	Ditto	Without address ..	1 Galvanic Brush and Comb, and a bottle of Ellectromire.
7	Ditto	Mohomed Cassim ..	Medicine.
8	Ditto	Captain Stewart, 6th Irregular Cavalry ..	2 Pockets of Visiting Cards.
9	Ditto	W. H. Eccles, 2nd Battalion R Brigade ..	Cricket Balls and Bats.
10	Ditto	A Chardon ..	2 Packets of Pipes and Tobacco.
11	Ditto	Premsookh ..	Native Poojah Articles.
12	Ditto	Meer Zuller Mohomed Beg ..	1 Mogul Cap.
13	Ditto	Mrs. Permant ..	2 Caps.
14	Ditto	Captain Wood, C. I. F. F. ..	1 a Ream of Paper.
15	Ditto	Ditto ..	1 Ditto ditto.
16	8 Packets	Officer Commanding V. Battery Rifle Artillery, refused ..	Flower and Vegetable Seeds.
17	1 Parcel	Munkoo Sing ..	Native Shoes.
18	Ditto	Master Hutelinson ..	1 Jacket and Neck Ribbons.
19	Ditto	Augha Yakoob ..	Native Shoes.
20	Ditto	Lieutenant A. Elderton, refused...	2 Bottles Curry Paste.
21	Ditto	Lieutenant Pane ..	2 Surgical Articles.
22	Ditto	Captain A. Fergusson ..	1 Bundle Aimanacs.
			1 Bundle Quills
23	Ditto	Meer Ahmed Khan, Peshawur ..	1 Stone Bottle Ink.
24	Ditto	Without address ..	4 Benares Duputtah.
25	Ditto	Dr. Hare, (refused) ..	1 Piece Kinkhab.
26	Ditto	Mr. Crayden, Saddler, Simlah, (refused) ..	1 Syringe.
27	Ditto	3rd Seikh Infantry, refused ..	1 Bridle.
28	Ditto	Corporal Knox, 71st Regiment ..	Paper.
29	Ditto	Without address ..	3 Balls Shoe-makers' Thread.
30	1 Parcel	Mrs. Brenun ..	3 Pairs Check Pantaloon.
31	1 Ditto	Luchmun Rao ..	Shoes and a Tin Case.
32	1 Ditto	Major A. Light, 21st Field Battery, refused ..	Fish.
33	1 Ditto	Without address ..	2 Pairs Regimental Pantaloon.
			1 Small box containing Pebbles and Crystals, and 1 small piece of Gold.
34	1 Ditto	T. D. Madden, Esquire ..	3 Cakes of Paints.
35	1 Ditto	Baboo Womachurn Chatterjee ..	1 Tin Canister, contents unknown.

G. PATON,  
Post-Master General, N. W. P.



SUPPLEMENT TO  
**The Calcutta Gazette.**

---

SATURDAY, SEPTEMBER 10, 1859.

---

*GENERAL STATEMENT showing the Rates at which the under-mentioned Articles of Commissariat,  
of the Deputy Commissary General, Central*

RATES AT WHICH CONTRACTED						
ARTICLES.	CAWNPORE					
	Cawnpore.		Bandah.		Kirwee.	
	Contract Rates.	Purchase Rates.	Contract Rates.	Purchase Rates.	Contract Rates.	Purchase Rates.
Bread	10 p. 100 lbs.	...	10 p. 100 lbs.	...	10 p. 100 lbs.	...
Beef	9 "	...	9-4 "	...	9-4 "	...
Mutton	11 "	...	11-4 "	...	11-4 "	...
Sugar	...	lbs. oz. 7 7 p. Re.	...	lbs. 6 p. Re.	...	lbs. 6 p. Re.
Rice	Stock.	...	...	lbs. 24 "	...	lbs. 24 "
Salt	"	...	lbs. oz. 13 8 p. Re.	...	...	lbs. 16 "
Vegetables	@ 5½ pie p. lb.	...	3 pie p. lb.	...	...	A. 1 p. lb.
Potatoes	...	...	A. P. 1 9 "	...	...	...
Firewood	...	...	AB. P. 7 6 p. 100 lbs.	...	...	M. 3½ p. Re.
Tea	} Stock.	...	Stock.	...	Stock.	...
Coffee						
Beer						
Brandy						
Sherry						
Port Wine						
Champagne						
Vinegar						
Lime Juice	@ 5-15 p. oz.	...	Stock.	...	Stock.	...
Mustard	Stock.	...	"	...	"	...
Sago	"	...	"	...	"	...
Arrow-root	"	...	"	...	"	...
Barley	lbs. oz. @ 2 8 p. Re.	...	"	...	"	...
Hospital Cloth-	RS. A. P.	...	"	...	"	...
ings	@ 18 14 9 p. set	...	"	...	"	...
Cooking Utensils	RS.	...	"	...	"	...
Tinning Ditto...	@ 11 p. set	...	"	...	"	...
Gram	Stock.	...	...	s. 28 p. Re.	None.	...
Attah	"	...	...	s. 17 "	...	s. 16 p. Re.
Bhoosah	M. s. @ 2 6 p. Re.	...	...	M. s. 2 10 "	...	...
Kurbee	M. @ 8 "	...	...	{ 3 m. dry & 5 m. green }	...	...
Kassilla	M. @ 10 "	...	...	3 m. p. Re.	...	...
Grass, Green	M. @ 4 "	...	...	5 "	...	...
Ditto, Dry	M. s. @ 1 20 "	...	...	...	...	...
Paddy, Straw or	...	...	...	...	...	...
Beechullee	...	...	...	...	...	...

Supply have been purchased and issued to the European Troops and Public Cattle, under the Control Circle, for the month of July 1859.

FOR OR PURCHASE

DIVISION.		AGRA DIVISION.					
Nowgong.		Agra.		Muttra.		Allyghur.	
Contract Rates.	Purchase Rates.	Contract Rates.	Purchase Rates.	Contract Rates.	Purchase Rates.	Contract Rates.	Purchase Rates.
10 p. 100 lbs.	...	8-4 p. 100 lbs.	...	8-4 p. 100 lbs.	...	8-4 p. 100 lbs.	...
9-4 "	...	9 " "	...	9 " "	...	9 " "	...
11-4 "	...	11 " "	...	11 " "	...	11 " "	...
...	lbs.	A. P.	...	A. P.	...	A. P.	...
...	6 p. Re.	1 11 " lb.	...	1 11 p. lb.	...	1 11 p. lb.	...
...	lbs.	7 pie " "	...	7 pie " "	...	7 pie " "	...
...	24 lbs.	10 " " "	...	10 " " "	...	10 " " "	...
...	16 " "	1-11-1 p. 100,,	...	1-111,,100,,	...	111-1p100,,	...
...	A.	...	...	...	...	...	...
...	1 " lb.	A.	...	A.	...	A.	...
...	M.	6 p. 100 lbs.	...	8 p. 100 lbs.	...	8 p. 100 lbs.	...
...	3½ p. Re.	...	...	...	...	...	...
Stock.	...	Stock.	...	Stock.	...	Stock.	...
Stock.	...	2-6-10 p. doz.	...	Stock.	...	Stock.	...
"	...	...	2-8 p. Bl.	"	...	...	...
"	...	Stock.	...	"	...	"	...
"	...	9as. p. lb.	...	"	...	"	...
"	...	15-1 per set.	...	A.	...	A.	...
"	...	...	1 p. lb.	9 as. p. lb.	...	9 as. p. lb.	...
"	...	...	15-1 p. set	...	...	15 l p. set	...
...	...	...	...	...	...	...	...
...	s.	...	s.	...	...	...	...
...	24 p. Re.	...	34½ p. Re.	...	1m.1s.p.Re.	...	35s15cp.Re.
None.	...	...	s. C.	...	s. C.	...	...
...	...	...	20-14 p.,,	...	26 2 " "	...	...
...	...	...	M. s. C.	...	M. s.	...	...
...	...	...	2 7 6½ p.,,	...	2 20 " "	...	M. s.
...	M. s.	...	...	...	...	...	3 20 p. Re.
...	2 20 "	...	...	...	...	...	...
...	...	...	...	...	...	...	...
...	...	...	M. s.	...	M. s.	...	...
...	...	...	2-20 p. "	...	3 20 p. Re.	...	4 mds. p.Re.
...	...	...	1-10 p. "	...	2 10 " "	...	M. s.
...	...	...	...	...	...	...	2 20 p. Re.
...	...	...	...	...	...	...	...

**GENERAL STATEMENT showing the Rates at which the under-mentioned Articles of Commissariat**  
*the Deputy Commissary General, Central*

**RATES AT WHICH CONTRACTED**

ARTICLES.	MEERUT					
	Meerut.		Roorkee.		Lindour.	
	Contract Rates.	Purchase Rates.	Contract Rates.	Purchase Rates.	Contract Rates.	Purchase Rates.
Bread	8-4 p. 100 lbs.	...	8-4 p. 100 lbs.	...	8-4 p. 100 lbs.	...
Beef	9 "	...	9 "	...	9 "	...
Mutton	11 "	...	11 "	...	11 "	...
Sugar	...	lbs. oz. dr. 7 10 6 p. Re.	...	6 per Re.	...	6 per Re.
Rice	...	9 10 8 " "	...	20 2 per Re.	...	20 " "
Salt	...	lbs. oz. 21 9 p. Re.	...	17 " "	...	12 " "
Vegetables	4 pie p. lb.	...	6 pie p. lb.	...	7 pie p. lb.	...
Potatoes	Re.	...	Re.	...	Re.	...
Firewood	1 per 290 lbs.	...	1 per 360 lbs.	...	1 p. 460 lbs.	...
Tea	} Stock.	...	} Stock.	...	} Stock.	...
Coffee						
Beer						
Brandy						
Sherry						
Port Wine						
Champagne						
Vinegar	RS. AS.	...	...	...	...	...
Lime Juice	2 1 per doz.	...	...	...	...	...
Mustard	...	...	...	...	...	...
Sago	Stock.	...	Stock.	...	Stock.	...
Arrow-root	...	...	...	...	...	...
Barley	AS. P. S 1 p erlb. RS. AS.	...	RS. AS.	...	RS. AS.	...
Hospital Clothing	15-13 p. set.	...	15-13 per set.	...	15-13 p. set.	...
Cooking Utensils	AS. 10 per lb.	...	...	...	...	...
Tinning Ditto	...	...	...	...	...	...
Gram	...	s. c. 38 13 p. Re.	...	...	...	s. c. 300 p. Re.
Attah	Stock.	...	...	...	...	...
Bhoosah	...	M. S. 2 30 p. Re	...	...	...	...
Kurbee	...	M. 5 per Re.	...	...	...	...
Kassilla	...	...	...	...	...	...
Grass, Green	...	...	...	...	...	...
Ditto, Dry	...	...	...	...	...	...
Paddy, Straw or	...	...	...	...	...	...
Beechullee	...	...	...	...	...	...



Supply have been purchased and issued to the European Troops and Public Cattle, under the Control of Circle, for the month of July 1859.—(Continued.)

FOR OR PURCHASED.							
DIVISION.				BARIELLY DIVISION.			
Delhie.		Futtehghurh.		Barielly.		Mooradabad.	
Contract Rates.	Purchase Rates.	Contract Rates.	Purchase Rates.	Contract Rates.	Purchase Rates.	Contract Rates.	Purchase Rates.
8-4 p. 100 lbs.	...	RS. 10 p. 100 lbs.	...	RS. 11 p. 100lbs.	...	RS. 11 p. 100lbs.	...
9 "	...	9 "	...	9 "	...	9 "	...
11 "	...	11 "	...	11 "	...	11 "	...
1/8 oz.	...						
10 per Re.	...	Stock.	...	Stock.	...	Stock.	...
lbs.							
24 " "	...	"	...	"	...	"	...
lbs.							
18 " "	...	"	...	"	...	"	...
4 pie p. lb.	...	8 pie p. lb.	...		12slbs.p.Re.	...	...
Re.	...	...	...		5 p. 102 1/2 lbs	...	...
1 per 250 lbs.	...	...	...		lbs. oz.	...	...
					307 8 p. Re.	...	...
Stock.		Stock.		Stock.		Stock.	
...	...	...	...	...	...	...	...
...	...	...	...	Stock.	...	None.	...
...	...	...	...	"	...	...	...
Stock.	...	Stock.	...	"	...	...	...
...	...	"	...	"	...	...	...
...	...	"	...	"	...	...	...
...	...	None.	...	RS. AS.	...	RS. AS.	...
AS.				26 10 p. set.	...	26 10 p.set.	...
13 per lb.	...	"	...	RE. A.	...	1 1 p. Corge	...
...	...	...	...	1 1 p.Corge	...		...
...					...		...
...	M. S. C.			Stock.	...		...
...	1 3 14 1/2 p. Re.	...	...	"	...		...
...	0 24 5 "	...	...				...
...	2 27 7 "	...	...		M.		...
...	5 mds. "	...	...		3 p. Re.	...	...
...		...	...		5 " "	...	...
...		...	...				...
...		...	...				...
...		...	...				...
...		...	...				...

*GENERAL STATEMENT showing the Rates at which the under-mentioned Articles of Commissariat  
the Deputy Commissary General, Central*

RATES AT WHICH CONTRACTED

ARTICLES.	BAREILLY DIVISION.					
	Nynee Tal.		Phillibheet.		Shajehanpore.	
	Contract Rates.	Purchase Rates.	Contract Rates.	Purchase Rates.	Contract Rates.	Purchase Rates.
Bread	RS. 15 p. 100 lbs.	...	RS. 13-8 p. 100 lbs.	...	RS. A. 11-4 p. 100 lbs.	...
Beef	9 "	...	12 "	...	9 4 "	...
Mutton	11 "	...	14 "	...	...	...
Sugar	...	lbs. oz. 6 2 p. Re.	...	lbs. 6 p. Re.	...	...
Rice	...	22 8 " "	...	20 "	...	...
Salt	...	14 5 " "	...	19 "	...	...
Vegetables	...	...	...	32 "	...	...
Potatoes	...	4 Rs. p. 82 lbs.	...	3 Rs. p. 82 lbs.	...	11 srs. p. Re.
Firewood	...	410 lbs. p. Re.	...	328 lbs. p. Re.	...	4 mds. " "
Tea	} Stock.	...	Stock.	...	Stock.	...
Coffee						
Beer						
Brandy						
Sherry						
Port Wine						
Champagne	None	...	...	...	...	...
Vinegar						
Lime Juice	...	...	...	...	...	...
Mustard	1 p. lb.	...	...	...	...	...
Sago	...	...	...	...	...	...
Arrow-root	...	...	...	...	...	...
Barley	...	...	...	...	...	...
Hospital Clothing	RS. AS. 26 10 p. set	...	RS. AS. 26 10 p. set.	...	...	...
Cooking Utensils	2 p. Corge	...	2 0 p. Corge	...	...	...
Tinning Ditto	...	...	...	...	...	...
Gram	None	...	...	S. C. 29 11 p. Re.	...	32 srs. p. Re.
Attah	...	...	...	...	...	...
Bhoosah	...	...	...	mds. 3 p. Re.	...	3 mds. p. Re.
Kurbee	...	...	...	...	...	...
Kassilla	...	...	...	...	...	...
Grass, Green	...	...	...	...	...	...
Ditto, Dry	...	...	...	...	...	...
Paddy, Straw or Bechullee	...	...	...	...	...	...

Supply have been purchased and issued to the European Troops and Public Cattle under the Control of Circle, for the month of July 1859.—(Continued.)

FOR OR PURCHASED.

FYZABAD DIVISION.						GWALIOR DIVISION.	
Fyzabad.		Roy Bareilly.		Gondah.		Morar.	
Contract Rates.	Purchase Rates.	Contract Rates.	Purchase Rates.	Contract Rates.	Purchase Rates.	Contract Rates.	Purchase Rates.
Rs.		Rs.		Rs.		Rs.	
11 p. 100 lbs.	...	11 p. 100 lbs.	...	11 p. 100 lbs.	...	8½ p. 100 lbs.	...
9 "	...	9 "	...	9 "	...	9 "	...
11 "	...	11 "	...	11 "	...	11 "	...
Stock.	...	...	6 lbs p. Re.	Stock.	...	Stock.	...
"	...	lbs. oz.	20 12 p. Re.	"	...	"	...
...	8 Rs. p. md.	...	20 lbs. p. Re.	"	...	...	lbs.
25 lbs. p. Re.	...	25 lbs. p. Re.	...	25 lbs. p. Re.	...	...	20 p. Re.
"	...	...	...	21 " "	...	...	9 pie p. lb.
...	5 mds. p. Re.	...	M. S.	100 lbs. "	...	...	lbs.
			6 10 p. Re.				160 p. Re.
Stock.		Stock.		Stock.		Stock.	
Stock.	...	Stock.	...	None.		Stock.	...
"	...	...	6 Rs. p. dozen	"	...	"	...
"	...	...	...	"	...	"	...
"	...	...	...	"	...	"	...
"	...	...	...	"	...	"	...
"	...	...	...	"	...	"	...
"	...	Rs. AS.	20 12 p. set.	Rs. AS.	20 14 p. set	"	...
"	...	...	4 Rs. p. Corge	None.	...	"	...
...	...	...	...	...	...	...	...
Stock.	...	...	S. C.	S. C.	...	...	srs.
"	...	...	27 0 p. Re.	30 12 p. Re.	...	...	24½ p. Re.
"	...	...	19 13 "	26 0 "	...	...	15½ "
...	M. S.	...	M. S.	MDS.	...	...	1 md. "
...	2 20 p. Re.	...	2 20 "	2½ "	...	...	3 " "
...	5 mds. p. Re.	...	...	...	...	...	...
...	...	...	...	...	...	...	...
...	...	...	...	...	...	...	srs.
...	...	...	...	...	...	...	35
...	...	...	...	...	...	...	...
...	...	...	3 mds. p. Re.	...	...	...	...

*GENERAL STATEMENT showing the Rates at which the under-mentioned Articles of Commissariat Supply have been purchased and issued to the European Troops and Public Cattle under the Control of the Deputy Commissary General, Central Circle, for the month of July 1859.—(Concluded.)*

RATES AT WHICH CONTRACTED FOR OR PURCHASED.

GWALIOR DIVISION.

ARTICLES.	Goonah.		Sepree.		Jhansie.	
	Contract Rates.	Purchase Rates.	Contract Rates.	Purchase Rates.	Contract Rates.	Purchase Rates.
	RS.		RS.		RS.	
Bread	8½ p. 100 lbs.	...	8½ p. 100 lbs.	...	8½ p. 100 lbs.	...
Beef	9 "	...	9 "	...	9½ "	...
Mutton	11 "	...	11 "	...	...	...
Sugar	Stock.	...	Stock	...	...	2½ srs. p. Re.
Rice	"	...	"	...	None	...
Salt	...	15 lbs. p. Re.	...	15 lbs. p. Re.	...	13 srs. p. Re.
Vegetables	...	9 pie p. lb.	...	9 pie p. lb.	...	22 " "
Potatoes	...	...	...	...	...	...
Firewood	...	320 lbs. p. Re.	...	320 lbs. p. Re.	...	M. s. 3 25 p. Re.
Tea	} Stock		Stock		Stock	
Coffee						
Beer						
Brandy						
Sherry						
Port Wine						
Champagne						
Vinegar	"	...	"	...	"	...
Lime Juice	"	...	"	...	...	RS. AS. 2 4 p. doz.
Mustard	"	...	"	...	Stock	...
Sago	"	...	"	...	"	...
Arrow-root	"	...	"	...	"	...
Barley	"	...	"	...	"	...
Hospital Clothing	"	...	"	...	None issued	...
Cooking Utensils	"	...	"	...	"	...
Tinning ditto	...	...	...	...	...	...
Gram	None	...	...	M. s. 0 28 p. Re.	...	26 srs. p. Re.
Attah	...	...	...	0 19½ "	...	20 " "
Bhoosah	...	...	...	1 35 "	...	2 mds. "
Kurbee	...	...	...	3 0 "	...	...
Kassilla	...	...	...	...	...	...
Grass, Green	...	...	...	...	...	2½ mds.p. Re.
Ditto, Dry	...	...	...	...	...	...
Paddy, Straw or Beechul-lee	...	...	...	...	...	...

DEPUTY COMMISSARY GENERAL'S OFFICE, C. C.;  
LUCKNOW,  
The 25th August 1859.

G. B. REDDIE,  
Deputy Commissary General, C. C.



# The Calcutta Gazette.

WEDNESDAY, SEPTEMBER 14, 1859.

## Legislative Council of India.

THE 3RD SEPTEMBER 1859.

THE following Act, passed by the Legislative Council of India, received the assent of the Right Honorable the Governor General on the 31st August 1859, and is hereby promulgated for general information :—

ACT No. XX of 1859.

*An Act for the suppression of Outrages in the District of Malabar in the Presidency of Fort St. George.*

WHEREAS in the District of Malabar in the Presidency of Fort St. George, murderous outrages have been frequently committed by persons of the class called Moplas, the offenders in such outrages intending therein to sacrifice their own lives ; and the general law of the country is not adequate to suppress such outrages : It is enacted as follows :—

I. Act XXIII of 1854 (*for the suppression of outrages in the District of Malabar in the Presidency of Fort St. George*) and Act V of 1856 (*to give effect to Act XXIII of 1854 from the time of its promulgation in the District of Malabar, and to extend the application thereof in future*) are hereby repealed, except as to acts done and proceedings taken before the issue of a proclamation under the provisions of Section II of this Act.

II. It shall be lawful for the Governor in Council of Fort St. George, whenever he shall see fit, by a proclamation published in the Fort St. George Gazette, from time to time to declare the whole or any part or parts of the District of Malabar to be subject to the operation of the following provisions.

III. Any Mopla who murders or attempts to murder any person or who

The property of Moplas convicted of outrages to be forfeited.

takes part in any outrage directed by Moplas against any persons wherein murder is committed or is attempted to be committed

or is likely to be committed ; and any person who shall procure or promote the commission of any such crime as aforesaid, or shall incite or encourage any other person or persons to commit the same ; or who, after having committed, or having been accessory to any such crime as aforesaid, shall forcibly resist any person or persons having lawful authority to apprehend him ; or who shall join or assist, or incite or encourage other persons to join or assist in such resistance, shall, on conviction thereof, be liable not only to the punishment provided by law for the offence of which he may be convicted, but also to the forfeiture of all his property, of whatever kind, to Government, by the sentence of the Court by which he is tried ; and whenever any person shall be killed in the act of committing any such offence as aforesaid, or being wounded and taken prisoner in the act of committing any such offence as aforesaid, shall afterwards die of his wounds, it shall be competent to the Court which would have had cognizance of the offence if the offender could have been brought to trial, to proceed, on the application of the Magistrate, to hold an inquest into the circumstances of the death of the offender ; and on proof of his having been killed as aforesaid, or of his having died of wounds received as aforesaid, to adjudge that the whole of his property shall be forfeited to Government.

Also the property of persons killed in committing outrages.

IV. All immoveable property of the offender which shall be alienated after the passing of this Act and before the commission of any offence specified in Section III, shall be forfeited in the same manner as if no such alienation had been made, unless the same

Immoveable property of offender alienated within 12 months from passing of this Act and before commission of offence, to be forfeited.

shall have been made more than twelve months before the commission of the offence.

V. If any Mopla shall be sentenced to death

Bodies of offending Moplas sentenced to death, or killed, may be burned or buried within the precincts of the Jail. for any capital offence, punishable also with forfeiture of property under this Act, it shall be lawful for the Court, by which such offender is convicted, by its sentence, to direct the body of such offender to be burned or buried within the precincts of the Jail, as it shall see fit ; and in like manner, if any Mopla shall be killed in the act of committing any such offence as aforesaid, or having committed any such offence as aforesaid shall be killed in resisting a lawful attempt to apprehend him, it shall be lawful for the Magistrate to cause the body of the person so killed to be burned or buried within the precincts of the Jail, as the said Magistrate shall see fit.

VI. The Governor in Council shall have, with

Powers of Governor in Council as to the confinement or trial of persons under this Act. respect to the confinement or trial of any person charged with or suspected of an intention to commit any offence punishable under this Act, the powers which are vested in him by any law regarding the confinement or trial of persons charged with or suspected of State offences ; and the provisions of any such law shall be applicable to all cases in which the Governor in Council shall proceed under the authority of this Section.

VII. The Magistrate of the District may cause

Magistrate how to act in respect to persons against whom he thinks there are grounds of proceeding. any Mopla or other person, against whom there are in his judgment grounds of proceeding under the last Section, to be apprehended, and after such enquiry as he may think necessary, may detain such Mopla or other person in safe custody, until he shall have received the orders of the Governor in Council, to whom in all such cases he shall report his proceedings without unnecessary delay.

VIII. If, with the previous consent of the

Penalty for remaining or returning within forbidden limits. Governor in Council, any person, against whom the Governor in Council shall think fit to proceed under Section VI, shall undertake, in consideration of the suspension of such proceedings, to depart within a specified period from within the limits of the Continent of India or of any part thereof, and shall in breach of his said undertaking, and without the permission of the Governor in Council, remain or return within such limits, he shall be liable to be punished with imprisonment, with or without hard labor, for a period which may extend to seven years, or with fine, or both.

IX. Whenever any such outrage, as is specified

Levy of compensation or fine. in Section III of this Act, the same being punishable under this Act, shall after such proclamation as aforesaid, have been committed by any Mopla or Moplas, it shall be lawful for the Magistrate, with the sanction of the Governor in Council, to levy such sum of money as the Governor in Council shall authorize, from all the Moplas within the umshum or the several umshums to which the perpetrator or perpetrators,

or any one of such perpetrators of such outrages, shall be found to belong, or wherein any such perpetrator shall have been resident at the time of the commission of the outrage and also within the umshum in which the outrage shall have been committed ; and the said Magistrate shall assess the proportions in which the said sum shall be payable upon the several heads of families of Moplas within such umshum or umshums, according to his judgment of their respective means ; and the said Magistrate shall appropriate the sum so levied as follows, that is to say, in the first place, to the compensation of the parties aggrieved by such outrages, including therein compensation to the family of any person dying by any such outrage for the pecuniary loss occasioned or likely to be occasioned by such death ; and, subject to such compensation, to the use of the Government.

X. Whenever any such outrage as is specified in Section III of this Act, the

Penalty for Mopla inhabitants of any umshum refusing to deliver up an offender. same being punishable under this Act, shall have been committed by any Mopla or Moplas, it shall be lawful for the Magistrate to call upon the Mopla inhabitants of the umshum or umshums to which the perpetrator or perpetrators, or any one of such perpetrators of such outrage shall be found to belong, or wherein any such perpetrator shall have been resident at the time of the commission of the outrage, or wherein any such perpetrator shall, after the perpetration of any such outrage, be found, to deliver up such perpetrator or perpetrators, and on the failure of such Mopla inhabitants to comply with such call so made upon them by the Magistrate, it shall be lawful for the Magistrate, with the sanction of the Governor in Council, to levy from such Mopla inhabitants such sum of money as the Governor in Council shall authorize as prescribed in the last preceding Section of this Act, and all sums so levied shall be appropriated in the manner prescribed in that Section.

XI. All fines and pecuniary liabilities incurred

Fines &c. how to be levied. under this Act may be levied by a Magistrate under summary process, in the same manner as the public revenue may be realized by a Collector ; and no action shall lie in any Civil Court against the Magistrate in respect of any fine imposed, or any assessment made under this Act, or in respect of the levy of any portion of such fine from the person or persons upon whom the same shall have been assessed.

XII. It shall be lawful for the Governor in

Parts of District may be withdrawn from the operation of the Act, and again made subject to it. Council, by such proclamation as aforesaid, from time to time, to withdraw from the operation of the provisions of this Act any part or parts of the said District which he may previously have declared to be subject thereto ; and in like manner, as occasion shall require, to subject the same part or parts again to the operation of such provisions, or of any of them.

XIII. The provisions of this Act shall continue

Duration of Act. in force until the end of the year 1869.

W. MORRIS,  
Clerk of the Council



THE 3RD SEPTEMBER 1859.

THE following Act, passed by the Legislative Council of India, received the assent of the Right Honorable the Governor General this day, and is hereby promulgated for general information :—

ACT No. XXI OF 1859.

*An Act for providing for the exercise of certain powers by the Governor General during his absence from his Council.*

WHEREAS the Governor General in Council has declared that it is expedient that the Governor General should visit the North-Western Provinces of the Presidency of Fort William in Bengal, and other parts of India, unaccompanied by any Member of his Council ; It is enacted as follows :—

I. During the absence of the Governor General from his Council, it shall be lawful for the Governor General alone to exercise all the powers which might be exercised by the Governor General in Council, in every case in which the said Governor General may think it expedient to exercise those powers.

II. All powers vested in the Governor General in Council by any Act of the Government of India, may be lawfully exercised by the President in Council.

III. This Act shall commence from the day on which it shall be notified by an order published in the Official Gazette, that the Governor General has quitted Calcutta for the purpose of so proceeding as aforesaid ; and shall not continue in force for a longer period than seven months.

W. MORGAN,  
Clerk of the Council.

THE 3RD SEPTEMBER 1859.

THE following Act, passed by the Legislative Council of India, received the assent of the Right Honorable the Governor General this-day, and is hereby promulgated for general information :—

ACT No. XXII OF 1859.

*An Act to amend Act I of 1852 (for the consolidation and amendment of the Laws relating to the Customs under the Presidency of Bombay.)*

WHEREAS it is expedient to amend Act I of 1852 (for the consolidation and amendment of the Laws relating to the Customs under the Presidency of Bombay) ; It is enacted as follows :—

I. Section XX of Act I of 1852, and so much of Schedule A annexed to the said Act as prescribes the rate of Duty to be charged on Salt imported by Sea into any Port of the Presidency of Bombay, are repealed.

II. All the provisions now in force of the above-mentioned Act which have reference to the Customs Duty now charged and leviable on Salt imported by Sea into any Port of the Presidency of Bombay, shall be taken to have reference to the Duty prescribed in the Schedule annexed to this Act.

III. Spirits exported from any Port within the British Territories in India, and imported at any Port subordinate to the Government of Bombay, shall be liable on importation to the same rate of Duty as the Governor in

Duty on Spirits exported from any Port in India and imported into any Bombay Port.

Council of Bombay may from time to time impose under Act III of 1852 or any future enactment on Spirits manufactured within the Presidency of Bombay. Provided always that, if the said Spirit be accompanied by a document signed by competent authority, certifying that a Duty whether of Customs or otherwise has been paid on the said Spirit within the British Territories in India, credit shall be allowed for the sum so paid in settling the Customs at the Port of import, and if such sum equal or exceed the full amount leviable on import, then the Spirits on which such Duty has been paid shall be admitted to free Duty.

IV. This Act shall be construed as part of the said Act I of 1852 ; and any Construction of Act subsequent to Act I of 1852 which refers to that Act shall be construed to refer to that Act as hereby altered. And any Act which refers to Section XX of Act I of 1852 shall, as to all matters arising after the passing of this Act, have the same effect as if it referred to Section III of this Act.

#### SCHEDULE.

Rate of Duty to be charged on Salt imported by Sea into any Port of the Presidency of Bombay from any Port or place not subject to the Government of India, or from Aden, or from any Port or place in the Straits of Malacca.

Salt not covered } 1 Rupee per Indian Md.  
by a Pass..... }

W. MORGAN,  
Clerk of the Council.

THE 3RD SEPTEMBER 1859.

THE following Act, passed by the Legislative Council of India, received the assent of the Right Honorable the Governor General this-day, and is hereby promulgated for general information :—

ACT No. XXIII OF 1859.

*An Act to alter the rates of duty on goods imported or exported by land from certain Foreign Territories into or from the Presidencies of Madras and Bombay respectively.*

WHEREAS it is expedient to fix the duties of Land Customs on goods passing into or from the Presidency of Fort Saint George or the Presidency of Bombay from or into Foreign Settlements on the line of Coast at the same rates as the duties of Sea Customs specified in Schedules A and B annexed to Act VII of 1859 ; It is enacted as follows :—

I. Section VI of Act VI of 1844 (for revising the duties on imports and exports in the Presidency of Fort Saint George) and Section II of Act XXIX of

1857 (to make better provision for the collection of Land Customs on certain Foreign Frontiers of the Presidency of Bombay) are hereby repealed, except so far as they respectively relate to Salt or Opium which shall remain

Exception. subject to the same rates of duty or shall be prohibited without a pass, as the case may be, as if this Act had not been passed.

II. Duties of Customs shall be levied on goods passing by land into or out of Foreign Settlements situate on the line of Coast within the limits of the Presidency of Fort Saint George, at the rates prescribed in Schedules A and B of Act VII of 1859 (to alter the Duties of Customs on goods imported or exported by Sea). And all the provisions of Act VI of 1844 now in force relating to the rates of duty mentioned or referred to by Section VI of that Act, are hereby declared to apply to the rates of duty mentioned in Schedules A and B of the said Act VII of 1859, as if such last mentioned rates had been specially mentioned in that Section.

III. Duties of Customs shall be levied on goods passing by land into or out of Foreign Settlements situate on the line of Coast within the limits of the Presidency of Bombay, at the rates prescribed in Schedules A and B of the said Act VII of 1859, and all the provisions of Act

XXIX of 1857, now in force, relating to the rates of duty referred to by Section II of that Act, are hereby declared to apply to the rates of duty mentioned in Schedules A and B of the said Act VII of 1859, as if such last mentioned rates had been specially mentioned in that Section.

W. MORGAN,  
Clerk of the Council.

THE 6TH SEPTEMBER 1859.

THE following Act, passed by the Legislative Council of India, received the assent of the Right Honorable the Governor General this-day, and is hereby promulgated for general information :—

ACT No. XXIV OF 1859.

An Act for the better regulation of the Police within the territories subject to the Presidency of Fort St. George.

WHEREAS it is expedient to make the Police force throughout the Madras Presidency a more efficient instrument at the disposal of the Magistrate for the prevention and detection of crime, and to re-organize the Police Force and improve the condition of the Village Police : it is enacted as follows :—

I. The following words and expressions in this Act shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction, (that is to say),

The word "Magistrate" shall include all persons, within their respective jurisdictions, exercising all or any of the powers of a Magistrate.

The word "Subordinate," as applied to Police functionaries, shall mean District Superintendents and their Assistants.

The word "Police" shall include General and Village Police, Cuttoobadies, Kavilgars, and all other persons, by whatever name known, who exercise any Police functions throughout the Madras Presidency.

The expression "General Police District" shall embrace all Districts to which the operation of this Act shall be extended.

The word "property" shall include any chattel, money, or valuable security.

Words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number.

Gender. Words importing the masculine gender shall include females.

"Person." The word "person" shall include company or corporation.

"Month." The word "month" shall mean calendar month.

The word "cattle" shall, besides horned cattle, include Elephants, Camels, Horses, Asses, Mules, Sheep, Goats, and Swine.

II. The several Regulations and Acts mentioned in the Schedule hereunto annexed are hereby repealed, and amended to the extent and in the manner therein set forth, within the limits of the General Police District, except so far as they repeal the whole or any part of any other Regulation or Act; and except as to any act of offence which shall have been done or committed, or to any fine or penalty which shall have been incurred or to any proceedings which shall have been commenced, before this Act shall come into operation : provided also that nothing in this Section shall be construed to affect any judicial function or jurisdiction, original or appellate, which by any existing law may be exercised by any of the Officers mentioned in the enactments above repealed.

III. Nothing contained in this Act shall affect the powers of appointment given to Magistrates by Section XL of Regulation XI 1816 of the Madras Code or the jurisdiction or functions of Officers appointed under such powers, save only that no Officer so appointed shall be competent to exercise any of the functions or duties of Executive Police Officers.

IV. The superintendence of the Police throughout the General Police District shall vest in, and be exercised by the Governor in Council, and, except as authorized by him under the provisions of this Act, no person, Officer, or Court shall be empowered to appoint, supersede, or control any Police functionary, any Regulation, Act or usage to the contrary notwithstanding.

V. The administration of the Police throughout the General Police District shall be vested in an Officer to be styled the Inspector-General of Police for the Presidency of Madras, and in such Subordinates as to the Governor in Council shall seem fit, who shall from time to time be appointed by the Governor in Council, and may be removed by the same authority, and who shall receive such salary as the Governor General of India in Council shall allow.

VI. All powers not inconsistent with the provisions of this Act which up to the passing of this Act belonged by law to the existing Police authorities shall be vested in the Police authorities appointed under this Act. Provided always that no Police functionary so appointed shall possess or exercise any Judicial or Revenue authority.

VII. The Inspector-General of Police shall be appointed a Justice of the Peace; he shall also have the full powers of a Magistrate throughout the General Police District, but shall exercise these powers subject to such orders as may from time to time be issued by the Governor in Council. The Governor in Council may vest any District Superintendent of Police with all or any of the powers of a Magistrate within such limits as he may deem proper; but such Superintendent shall exercise the powers with which he shall be so invested only so far as may be necessary for the preservation of the peace, the prevention of crime, and the detection, apprehension, and detention of offenders in order to their being brought before a Magistrate, and as far as may be necessary for the performance of the duties assigned to him by this Act.

To act as such under the orders of Government.

District Superintendent may be appointed a Magistrate.

In what cases he may act in that capacity.

VIII. The entire Police establishment of the Madras Presidency shall for the purposes of this Act be deemed to be one Police Force, and shall be formally enrolled, and shall consist of such number of Officers and men, and shall be otherwise constituted in such manner, as shall be from time to time ordered by the Governor in Council with the sanction of the Governor General of India in Council.

IX. The Inspector-General may from time to time, subject to the approval of the Governor in Council, frame such orders and regulations as he shall deem expedient, relative to the general government and distribution of the Force, the places of residence, the classification, rank, distribution, and particular service of the Members thereof; their inspection; the description of arms, accoutrements, and other necessities to be furnished to them; to the collecting and communicating intelligence and information; and all such other orders and regulations relative to the said Police Force as the said Inspector-General shall, from time to time, deem expedient for preventing abuse or neglect, and for rendering such Force efficient in the discharge of all its duties.

X. The appointment of all Police Officers shall, under such rules as the Governor in Council shall from time to time sanction, rest with the Inspector-General of Police and the Deputy Superintendents, who may under such rules as aforesaid at any time dismiss, suspend, or fine to any amount not exceeding one month's pay, any Police Officer whom they shall think remiss or negligent in the discharge of his duty, or otherwise unfit for the same.

XI. Every person so appointed shall receive on his enrolment a certificate (A) under the seal of the Inspector-General, by virtue of which he shall be vested with the powers, functions, and privileges of a Police Officer. Such certificate shall cease to have effect whenever the person named in it is suspended or dismissed, or otherwise removed from employment in the Police Force, and shall thereupon be immediately surrendered to his superior Officer, or other person empowered to receive it.

XII. There shall be deducted from the pay of every Police Officer of a class not entitled to the benefit of the Uncovenanted Service Pension Rules, a sum after such rate as the Governor in Council shall direct, not being a greater rate than one anna in the Rupee; which sum so deducted and also the monies accruing from stoppages from the pay of Police Officers during absence from sickness or other cause, and fines imposed on Police Officers for misconduct, and from fines imposed by Magistrates and others upon drunken persons, or for assaults upon Police Officers, and all monies arising from the sale of worn or cast-off clothing, or other articles supplied for the use of the Police, or from any other miscellaneous sources which shall be permitted by the Governor in Council, shall from time to time be invested in such manner and in such securities as the Governor in Council may direct, and the interest and dividends thereof, or so much of the same as shall not be required for the purposes herein mentioned, shall be likewise invested as aforesaid, and accumulate, so as to form a Fund to be called "The Police Superannuation Fund"; and shall be applied from time to time to the payment of superannuation or retiring allowances, or gratuities, under such rules as may be passed by the said Governor in Council: provided always that any Police Officer may be dismissed or removed without superannuation allowance; and that no Police Officer shall be entitled of right to any allowance from this Fund; or shall retain any right to a refund of any deduction made from his pay while he may have been a Police Officer.

XIII. It shall be lawful for the Inspector-General of Police, or any District Superintendent, if they shall think fit, on the application of any person showing the necessity thereof, to depute any additional number of Police Officers to keep the peace at any place within the General Police District, at the charge of the person making the application, but subject to the orders of the said Inspector-General or District Superintendent and for such time as they shall think fit;

provided always that it shall be lawful for the person on whose application such deputation shall have been made, on giving one month's notice in writing to the Inspector-General or District Superintendent, to require that the Officers so appointed shall be discontinued: such person shall be relieved from the charge of such additional Force from the expiration of such notice."

XIV. Whenever any Railway, Canal, or other Public work shall be carried on, or be in operation in any part of the country, and it shall appear to the Inspector-General that the appointment of an additional Police Force in such neighbourhood is rendered necessary by the behaviour or reasonable apprehension of the behaviour of the persons employed upon such work, it shall be lawful for the Inspector-General, with the consent of the Governor in Council, to direct the employment of such additional Force, and to maintain the same so long as such necessity shall continue; and to make orders from time to time upon the Treasurer or other Officer having the control or custody of the Funds of any Company carrying on such works, for the payment of the extra Force so rendered necessary as aforesaid.

XV. All monies paid, in respect of such additional Force as is mentioned in the two last preceding Sections, shall be paid into a fund to be called "The General Police Fund," and shall be applied to the maintenance of the Police Force under such orders as the Governor in Council may pass; and all sums of money payable under those Sections shall be recoverable by suit in any competent Court or by distress and sale of the goods of the defaulter under the warrant of a Magistrate.

XVI. When it shall appear that any tumult, riot, or outrage has taken place, or may be reasonably apprehended in any place, and that the ordinary Officers appointed for preserving the peace are not sufficient for its preservation, and for the protection of the inhabitants, and the security of property in such place, it shall be lawful for any Police Officer not below the rank of Inspector to apply to the nearest Magistrate to appoint so many of the public or village servants, or residents of the neighbourhood, as such Police Officer may require to act as special Police Officers for such time and in such manner as he shall deem necessary; and it shall be the duty of such Magistrate at once to comply with such applications.

XVII. Every special Police Officer so appointed shall have the same powers, privileges, and protection, and be liable to all such duties and penalties, and be subordinate to the same authorities as the ordinary Officers of Police.

XVIII. If any person being appointed a special Police Officer as aforesaid, shall without sufficient excuse neglect or refuse to serve as such, or to obey such lawful order or direction as may be given him for the performance of his duties, he shall be liable upon conviction before a Magistrate to a fine not exceeding fifty Rupees for such neglect, refusal, or disobedience.

XIX. No Police Officer shall be at liberty to resign his office, or withdraw himself from the duties thereof, unless expressly allowed to do so in writing by the District Superintendent; or unless he shall have given to his superior Officer two months' notice in writing of his intention to do so. Nor shall any such Police Officer engage in any employment or office whatever, other than his duties under this Act, unless expressly permitted to do so in writing under the seal of the Inspector-General.

XX. From and after the passing of this Act, every person, not being, or having ceased to be, a duly enrolled Police Officer, who shall unlawfully assume any function or power belonging to the Police; and who shall not forthwith deliver up his certificate, and all the clothing, accoutrements, and appointments, and other necessities which may have been supplied to him for the execution of his duty; or who shall have in his possession any distinctive article of the dress or appointment directed to be worn exclusively by the Police Force, without being able to account satisfactorily for his possession thereof; or who shall put on the dress of any Police Officer, or any dress designed to represent it, or to be taken for it; or who shall otherwise personate the character or act the part of any Police Officer for any purpose whatever; shall, in addition to any other punishment to which he may be liable for any offence committed under the assumed character, be liable on conviction before a Magistrate to a penalty not exceeding two hundred Rupees, or to imprisonment, with or without hard labor, for a period not exceeding six months, or both.

XXI. Every Police Officer shall, for all purposes in this Act contained, be considered to be always on duty and shall have the powers of a Police Officer in every part of the General Police District. It shall be his duty to use his best endeavours and ability, to prevent all crimes, offences, and public nuisances; to preserve the peace; to apprehend disorderly and suspicious characters; to detect and bring offenders to justice; to collect and communicate intelligence affecting the public peace; and promptly to obey and execute all orders and warrants lawfully issued to him.

XXII. It shall be the duty of every Police Officer, and he is hereby authorized, to arrest without warrant—

1. Any person who is charged on credible information, or whom he has reasonable ground to suspect of having been concerned in any grave or forcible crime or outrage.

2. Any person who is charged with committing an aggravated assault, in every case in which he shall have good reason to believe that such assault has been committed, although not in his view, and that by reason of the recent commission of the offence a warrant could not have been issued.



3. Any person committing, or attempting to commit, any breach of the peace in his view, and who refuses to desist on being required thereto.

Persons committing a breach of the peace.

4. Any person found injuring the public buildings, roads, tanks, and water-channels, or committing any offence punishable by law. Provided always that, where such offence is of a slight and petty nature, it shall not be necessary for the Police Officer to arrest, if, from the circumstances of the case, there is no reason to apprehend that the party will abscond.

Persons found injuring public buildings, &c.

Proviso.

5. Any vagrant whom he shall find disturbing the public peace, or whom he shall have good cause to suspect of having committed or being about to commit a crime; all persons whose name and residence is unknown, or whom he may find by night lying or loitering in any high-way, road, or other place, and who, in either case, are unable to give a satisfactory account of themselves.

Vagrants and suspicious persons.

6. Any person who assaults, resists, or obstructs such Police Officer in the execution of his duty, or aids or excites others so to do.

Persons assaulting Police Officer.

7. All persons who, having been in legal custody, shall have escaped therefrom.

Persons escaping from legal custody.

8. All persons who are charged with having done any injury or damage to the person or property of another, and who refuse to give their name and residence, or who give one which there is ground to believe to be false, may be detained solely for the purpose of ascertaining such name and residence, with a view to future proceedings.

Persons charged with an offence, refusing to give name.

XXIII. Every person taken into custody by any Police Officer, without warrant, except persons detained for the mere purpose of ascertaining their name and residence, shall forthwith be delivered into the custody of the Police Officer in charge of a Station House, in order that such person may be secured until he can be brought before a Magistrate to be dealt with according to law, or may give bail for his appearance before a Magistrate, if the Officer in charge shall deem it prudent to take bail as hereinafter mentioned; provided always that, where bail is not taken, the prisoner shall be brought before a Magistrate within twenty-four hours, unless circumstances render delay unavoidable.

Persons arrested without warrant to be taken to Station house until brought before Magistrate or bailed.

Proviso.

XXIV. Whenever any person shall be brought in custody, without a warrant, to any Station House, at a time when he cannot at once be sent before a Magistrate, and shall be charged with any bailable offence, or with any unbailable offence of which it shall appear to the Officer in charge of the Station House that the prisoner is falsely accused, it shall be lawful for such Police Officer to release the accused on bail or on his own recognizance to appear before the Magistrate when required.

XXV. It shall be lawful for every Police Officer in charge of a Station, or other superior Officer of Police, to bind by recognizance any person to appear as prosecutor or as a witness before the Magistrate by whom any grave charge is being or is about to be investigated; and if any such prosecutor or witness shall refuse to execute such recognizance, it shall be competent to such Officer to forward the person in custody to the Magistrate's Court.

Superior Officer of Police may take recognizance for appearance of prosecutor or witness.

XXVI. Every recognizance so taken shall be without fee or reward and shall be conditioned for the appearance of the person thereby bound before a Magistrate at such time and place as may be required, and the time and place of appearance, and the sum thereby acknowledged, not exceeding one thousand Rupees, shall be specified in the said recognizance, or in the condition thereof; and the Officer taking the recognizance shall return the same forthwith to the Magistrate present at the time and place when and where the party is bound to appear.

XXVII. If from the absence of witnesses, or from any other reasonable cause, it shall become necessary or advisable to defer the examination of any case, or the further examination of any witnesses, it shall be lawful for any Magistrate from time to time by his warrant to remand the accused to the custody of any Police Officer, for such time as he shall deem necessary and reasonable, not exceeding eight clear days, to be secured in any Station House or jail or to be otherwise detained in custody as to the said Magistrate shall appear expedient: provided always that any such Magistrate may order such accused party to be brought before him at any time or place before the expiration of the time for which such accused party shall have been remanded; or may discharge such accused party on his recognizances, with or without sureties; conditioned for his appearance at the time and place appointed for such further examination.

XXVIII. It shall be lawful for any Police Officer without a warrant to enter and inspect all drinking shops, gaming houses, and other resorts of loose and disorderly characters; all premises of persons suspected of receiving stolen property; any locality, vessel, boat, or conveyance in any part of which places he shall have just cause to believe that crime has been, or is about to be committed; or which he reasonably suspects to contain stolen property; and then and there to take all necessary measures for the effectual prevention and detection of crime; and to take charge of all property reasonably suspected to have been stolen, and of all articles or things which may serve as evidence of the crime supposed to have been committed.

XXIX. Every Police Officer, not below the grade of Inspector, shall be an Inspector of weights and measures, and may enter any shop or premises for the purpose of inspecting the weights and measures and instruments for weighing kept or used therein, and may seize any weight, measure, or instrument for

Inspection of weights and measures.

Entering drinking shops &c. without a warrant.

Releasing on bail.

weighing, which he may have reason to believe is false.

XXX. No Police Officer shall receive any complaint of any petty offence; or take into his custody any person brought to him accused of such petty offences, trespass, assault, quarrelling, or the like; and it shall be lawful for any Police Officer to refuse to receive any charge of an offence of a grave character, if he shall, on enquiry made of the complainant alone, see good grounds for doubting its truth: provided always that, if the charge be not of such a nature as under ordinary circumstances would justify the Police Officer in refusing to receive it, the particular reasons for refusing it are to be recorded by such Officer at the time.

XXXI. It shall be lawful for any Police Officer to lay any information before the Magistrate, and to apply for summons, warrant, search warrant, or such other legal process as may by law issue, and may be expedient under the circumstances, against any person committing an offence against any law or enactment, or against any regulation for the protection of the Revenue, or against any person committing or failing to remove any public nuisance, or unwarrantable obstructions, keeping disorderly houses, harbouring thieves, disturbing the peace, obstructing the due course of justice, and the like, and to prosecute such offenders up to final judgment; provided always that any rewards, forfeitures, and penalties, or shares of rewards, forfeitures, or penalties, which by law are payable to informers, and all costs of prosecution which may by any enactment be awarded to the prosecutor, shall be paid into the "General Police Fund."

XXXII. From and after the passing of this Act, all summonses, warrants, search warrants, warrants of commitment for trial, or orders for the escort and conveyance of prisoners, and all other processes issued by any Officer in any Criminal proceeding, shall be directed and delivered to Officers of the Police alone; and such processes shall be served and executed by them and none others.

XXXIII. Where any such warrant, order, or process shall be directed or delivered to any of the said Officers, unless it be necessary for the due execution thereof that such warrant be executed without delay, the person receiving it shall deliver the same to any Officer authorized for that purpose, who shall take charge of it, and appoint by endorsement thereon one or more Police Officers to execute the same or endorse it to any other Officer for a like purpose; and every Police Officer whose name shall be so endorsed thereon shall have the same powers, privileges, and protection as if the same had originally been directed to him by name; provided also that every such process shall be executed with all secrecy and despatch; and shall have full force in any part of the Madras Presidency except within the limits of the Supreme Court, without further formality or local endorsement; and that all Police authorities shall every where be assisting in the execution of such process.

XXXIV. Every summons, notice, or other Criminal process may be served on the party named personally, or be left with some adult male member of his family, or a copy thereof may be affixed on some conspicuous part of his usual place of abode; and any party failing or neglecting to obey such summons or notice duly served, shall be liable, at the discretion of the Magistrate or Court that issued the process, to a penalty not exceeding ten Rupees unless such person shall be able to prove that he was prevented by unavoidable accident or other satisfactory cause from obeying such summons, notice, or the like.

XXXV. A Magistrate may, without issuing any summons, forthwith issue his warrant to bring before him any person charged with an offence cognizable by him, or whose attendance it may for any reason be necessary to enforce, whenever it shall appear probable that such person will not attend unless compelled so to do.

XXXVI. A Police Officer executing a warrant of arrest shall notify the substance of the warrant, and if required so to do shall show the warrant.

XXXVII. In making an arrest, the Police Officer executing the warrant shall actually touch or confine the body of the person to be arrested, unless there be a submission to the custody by word or action.

XXXVIII. After arrest the prisoner shall not be subjected to any more restraint than such as may be necessary to prevent his escape.

XXXIX. Any Police Officer authorized by a warrant to arrest a person accused of any offence for which a warrant may issue on complaint, may break open any outer or inner door or window of a dwelling house, whether that of the person accused or of any other person, in order to execute such warrant, if, after notification of his authority and purpose, and demand of admittance duly made, he cannot otherwise obtain admittance.

XL. If information be received that a person accused of any offence for which a warrant may issue, has concealed himself in a Zenanah or female apartment, in the actual occupancy of women, the Officer employed to execute the warrant shall take such precautions as may be necessary to prevent the escape of the accused; and if such person shall deliver himself up, the Police Officer authorized to execute the warrant, may break open the Zenanah, and execute the process intrusted to him, giving notice at the same time to any woman in the Zenanah that she is at liberty to withdraw.

XLI. After arrest made, the Police Officer executing the warrant shall bring the person arrested before the Magistrate or other authority mentioned in the warrant, without unnecessary delay.

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**XLII.** No Police Officer shall offer to the person arrested any inducement, by threat or promise or otherwise, to make any disclosure. But no Police Officer shall prevent the person arrested, by any caution or otherwise, from making any disclosure which he may be disposed to make of his own free will.

**XLIII.** If any Police Officer shall at any time find himself unable to effect an arrest, it shall be lawful for him to require any and every person present to assist and aid him in making the arrest; and any person who shall refuse or neglect to comply with such requisition, shall be liable, on conviction before a Magistrate, to a fine not exceeding fifty Rupees or to imprisonment for a period not exceeding three months, or both.

**XLIV.** Every Police Officer who shall be guilty of any violation of duty or wilful breach of any lawful orders and regulations not punishable under Section X of this Act; or who shall cease to perform the duties of his office without leave, or without having given two months' notice as provided by this enactment, or engage without authority in any employment other than his Police duty; or who shall maliciously and without probable cause prefer any false, vexatious, or frivolous charge or information against any individual; or who shall knowingly and wilfully and with evil intent exceed his powers; or shall be guilty of any wilful and culpable neglect of duty in not bringing any person, who shall be in his custody without a warrant, before a Magistrate as hereinbefore provided; or who shall offer any unwarrantable personal violence to any person in his custody, shall be liable on conviction before a Magistrate to a penalty not exceeding three months' pay, or to imprisonment with or without hard labor not exceeding three months, or both.

**XLV.** Any Police Officer who shall on any pretext, or under any circumstance, directly or indirectly collect or receive any fee, gratuity, diet-money, allowance, or recompense, other than he may be duly authorized by the Inspector-General or other Officer acting under his order to collect or receive, shall on conviction before a Magistrate be liable to a penalty not exceeding six months' pay, or to imprisonment with or without hard labor not exceeding six months, or both.

**XLVI.** Any Police Officer who shall directly or indirectly extort, exact, seek, or obtain any bribe or unauthorized reward or consideration, by any illegal threat, or pretence, or for doing or omitting or delaying to do any act which it may be his duty to do, or to cause to be done, or for withholding or delaying any information which he is bound to afford or to communicate; or who shall attempt to commit any of the offences above said, or shall

be guilty of cowardice, shall be liable upon conviction before a Magistrate to a fine not exceeding twelve months' pay, or to imprisonment with or without hard labor not exceeding twelve months, or both. Provided always that nothing in the three last preceding Sections shall be deemed to preclude the Magistrate from committing for trial any cases of this nature too serious for his cognizance.

**XLVII.** If any person shall assault or resist any Police Officer in the execution of his duty; or shall aid or incite any other person so to do; or shall maliciously and without probable cause prefer any false or frivolous charge against any Police Officer; such person shall, on conviction of such offence before any Magistrate, be liable to a fine not exceeding fifty Rupees, or to imprisonment with or without hard labor not exceeding three months, or both.

**XLVIII.** Any person who in any street, road, thoroughfare, or passage, within the limits of any Town, commits any of the following offences, to the obstruction, inconvenience, annoyance, risk, or damage of the residents and passengers, shall, on conviction before a Magistrate, be liable to a fine not exceeding fifty Rupees, or to imprisonment not exceeding eight days; and it shall be lawful for any Police Officer to take into custody without warrant any person who within view commits any such offence.

*First.* Any person who shall slaughter any cattle or clean any carcase in the streets; any person riding or driving any cattle, recklessly and furiously, or training or breaking any horse or other cattle on or near any public road, to the danger of the passers:

*Second.* Any person who wantonly or cruelly abuses or tortures any animal:

*Third.* Any person who shall keep any cattle, or conveyance of any kind standing in any road or street longer than is required for loading or unloading, or for taking up or setting down passengers; or who shall leave any conveyance in such a manner as to cause inconvenience or danger to the public:

*Fourth.* Any person exposing goods for sale on the road so as to obstruct passengers:

*Fifth.* Any person who throws or lays down any dirt, filth, rubbish, or any stones or building materials; or who constructs any pial, cowshed, stable, or the like within the bounds of any thoroughfare; or who causes any offensive

matter to run from any house, factory, dung-heap, or the like into the street :

*Sixth.* Any person found in any thoroughfare drunk and riotous, or incapable of taking care of himself :

*Seventh.* Any person who wilfully and indecently exposes his person, or any offensive deformity or disease, or commits nuisance by easing himself in or by the side of, or near any public street or thoroughfare ; or by bathing or washing in any tank or reservoir, not being a place set apart for that purpose :

*Eighth.* Any person who neglects to fence in or duly to protect any well, tank, or other dangerous place or structure.

**XLIX.** The Superintendent and Superior Officers of Police may, as occasion requires, direct the conduct of all assemblies and processions in the public roads, streets, or thoroughfares, prescribe the routes by which, and the times at which such processions may pass ; keep order in the public roads, streets, thoroughfares, ghauts, and landing places, and all other places of public resort, and prevent obstructions on the occasion of such assemblies and processions and in the neighbourhood of places of worship during the time of public worship, and in any case when the roads, streets, or thoroughfares, ghauts or landing places, may be thronged, or may be liable to be obstructed ; they may also regulate the use of music in the streets, on the occasion of native festivals and ceremonies ; and may direct all crowds of twelve or more persons to disperse, when they have reason to apprehend any breach of the peace ; and every person opposing, or not obeying the orders so issued as aforesaid, or violating the conditions of such license, shall be liable to a fine not exceeding one hundred Rupees. Provided always that nothing in this Section contained shall be deemed to interfere with the general control of the Magistrate over such matters.

**L.** In all cases of convictions under this Act, the Magistrate trying the case shall be restrained within the limits of his ordinary jurisdiction as to the amount of fine or imprisonment he may inflict ; provided always that such charges against

Police Officers above the rank of a Private shall only be adjudicated on by European functionaries, and that Village Watchers alone shall be liable to conviction by Heads of Villages.

**LI.** Nothing contained in this Act shall be construed to prevent any person from being prosecuted for any offence made punishable on conviction by this Act ; or to prevent any person from being liable under any other Law, Regulation, or Act to any other or higher penalty

or punishment than is provided for such offence by this Act. Provided always that no person shall be punished twice for the same offence.

**LII.** All fines and penalties imposed, and all sums of money recoverable under the authority of this Act, may, in case of non-payment thereof, be levied by distress and sale of the goods and chattels of the offender by warrant of the Magistrate, in manner provided by Act II of 1889.

**LIII.** All actions and prosecutions against any person, which may be lawfully brought for anything done or intended to be done under the provisions of this Act, or under the general Police powers is hereby given, shall be commenced within three months after the act complained of shall have been committed, and not otherwise ; and notice in writing of such action and of the cause thereof, shall be given to the defendant, or to the Superintendent or other Superior Officer of the District in which the act was committed, one month at least before the commencement of the action ; and no plaintiff shall recover in any such action, if tender of sufficient amends shall have been made before such action brought, or if a sufficient sum of money shall have been paid into Court after such action brought by or on behalf of the defendant ; and though a decree shall be given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant, unless the Judge, before whom the trial shall be, shall certify his approbation of the action ; provided always that no action shall in any case lie where such Officers shall have been prosecuted criminally for the same act.

**LIV.** When any action, prosecution, or proceeding shall be brought against any Police Officer for any act done by him in such capacity, it shall be lawful for him to plead that such act was done by him under the authority of a warrant issued by a Magistrate ; and such plea shall be proved by the production of the warrant directing the act and purporting to be signed by a Magistrate. And the defendant shall thereupon be entitled to a decree in his favor, notwithstanding any defect of jurisdiction in such Magistrate. And no proof of the signature of such Official shall be necessary, unless the Court shall see reason to doubt its being genuine ; provided always that any remedy which the party may have against the authority issuing such warrant shall remain entire.

**LV.** This Act shall take effect in any and every such District as the Governor in Council shall appoint by notification published in the Official Gazette.

## SCHEDULE.

**LVI.** The following words in Section XXXVI of Regulation IX. 1819 Laws repealed. " The Officer entrusted with the service of the summons in such cases, as well as in all other cases wherein bail may not be re

quired, shall demand only an acknowledgment of the receipt of it, and in the absence of the party, the summons may be served on the principal person in his house or family, if such person be willing to receive the same, and to return an acknowledgment for the party ;" and Section XLII.

Regulation XI. 1816, Sections III, IV, V, VI, VII, XI, XV, XVI, XVII, XVIII, XXI, XXII, XXIII, XXIV, XXV, XXVI, Clause 2, XXIX, XXXV, XXXVIII, XXXIX, XL, XLI, XLVIII, and LV.

Regulation IV. 1821, Section III.

So much of Clause 2 Section II of Regulation IV. 1821 as declares that all Subordinate Officers of Police of every description shall be subject to the authority of the Tuhseeldars of their respective Districts.

So much of Section VII of Regulation VI. 1831, as affects Village Watchers or other persons holding village offices in the Police Department. Act VII of 1843, Sections XXXIX and XL.

So much of Clause 4 Section XIII of Regulation XI. 1816, as directs the Head of the Village to apprehend any person supposed to have committed a murder.

So much of Clause 1 Section XXVII of Regulation XI. 1816 as directs the Head of the Village to make every exertion to apprehend any person accused or suspected of having committed the offences referred to in the said Clause.

#### FORM A.

A. B. has been appointed a Member of the Police Force under Act XXIV of 1859, and is vested with the powers, functions, and privileges of a Police Officer.

W. MORGAN,  
Clerk of the Council.

THE 6TH SEPTEMBER 1859.

THE following Bill was read a second time in the Legislative Council of India on the 6th September 1859, and was referred to a Select Committee who are to report thereon after the 10th of December next :—

*A Bill to enable Joint Stock Banking Companies to be formed on the principle of Limited Liability.*

WHEREAS it is expedient to enable Joint Stock Banking Companies to be formed on the principle of Limited Liability ; It is enacted as follows :—

I. So much of Section II of Act XIX of 1857 (for the incorporation and regulation of Joint Stock Companies and other Associations either with or without Limited Liability of the Members thereof) as provides that nothing in that Act shall authorize any persons to form themselves into a Joint Stock Company or Association with Limited Liability for the purpose of Banking. And so much of Section XCIX of the said Act as provides that no Company established for the purpose of Banking shall be registered under that Act as a Limited

Company, are hereby repealed, subject to the following Proviso, that no Banking Company claiming to issue notes in India shall be entitled to Limited Liability in respect of such issue, but shall continue subject to unlimited Liability in respect thereof, and that, if necessary, the assets shall be marshalled for the benefit of the general creditors, and the Shareholders shall be liable for the whole amount of the issue in addition to the sum for which they would be liable as Shareholders of a Limited Company.

II. Every existing Banking Company which

Existing Company before obtaining registration under this Act to give notice to Customers.

shall register itself as a Limited Banking Company, shall at least thirty days previous to obtaining a certificate of Registration with Limited Liability, give notice that it is intended

so to register the same, to every person and partnership firm who shall have a Banking Account with the Company, and such notice shall be given either by delivering the same to such person or firm, or leaving the same or putting the same into the Post in a registered letter addressed to him or them at such address as shall have been last communicated or otherwise become known as his or their address to or by the Company ; and in case the Company shall omit to give any such notice as is hereinbefore required to be given, then as between the Company and the person or persons only who are for the time being interested in the account in respect of which such notice ought to have been given, and so far as respects such account and all variations thereof down to the time at which such notice shall be given, but not further, or otherwise, the certificate of registration with Limited Liability shall have no operation.

III. Every Limited Joint Stock Banking

Limited Banking Company to furnish a Statement.

Company shall, before it commences business, or, if a Banking Company at the time carrying on business with

unlimited Liability, before it avails itself of the provisions of this Act, and also on the 1st day of February and 1st day of August in every year during which it carries on business, make a statement in the form contained in the Schedule hereto annexed, or as near thereto as circumstances will admit ; such statement shall be in addition to the balance sheet required by the said Act to be made out and filed with the Registrar of Joint Stock Companies : a copy of such statement shall be put up in a conspicuous place in the Registered Office of the Company, and in every branch Office or place where the Banking business of the Company is carried on, and if default is made in due compliance with the provision of this Section, each Director shall be liable to a penalty not exceeding for every day during which such default continues, and such penalties shall be recovered in a summary manner.

IV. All such estate or interest in moveable and immoveable property, and Trust property. all such deeds, bonds, obligations, and rights as may belong to, or be vested in

any person or persons in trust for any Banking Company at the date of its Registration under this Act or in trust for any other Company at the date of its Registration under the said Act XIX of 1857, shall immediately on Registration vest in such Banking or other Company, but no Merg

shall take place of any estates by reason of their uniting in the Company under this Section, without the express consent of the Company, certified by some instrument under their common seal.

V. Any Banking Company consisting of seven or more persons having a capital of fixed amount, and divided into shares also of fixed amount, legally carrying on the business of Banking previously to the passing of this Act may, at any time hereafter, with the assent of a majority of such of its Shareholders as may have been present in person, or in cases where proxies are allowed by the regulations of the Company by proxy at some General Meeting summoned for the purpose, register itself as a Company under this Act, and when so registered all such provisions contained in any Letters Patent or Deed of Settlement constituting or regulating the Company as are inconsistent with the said Act XIX of 1857 or with this Act, shall no longer apply to the Company so registered, but such Registration shall not take away or affect any powers previously enjoyed by such Company of Banking, issuing notes payable on demand, or of doing any other thing.

VI. The Registration under this Act of any Banking Company existing at the time of the passing of this Act, and hereby authorized to be registered, shall not affect or prejudice the liability of such Company to have enforced against it or its right to enforce any debt or obligation incurred, or any contract entered into, by, to, with, or on account of such Company previously to such Registration, and all such debts, obligations, and contracts shall be binding on the Company when so registered, and the other parties thereto, to the same extent as if such Registration had not taken place.

VII. Every person who at or previously to the date of the Registration under this Act of any Banking Company hereby authorized to be registered, may have held shares in such Company shall, in the event of the same being wound-up by the Court or voluntarily, be liable to contribute to the assets of the Company the same amount that he would, if this Act had not been passed, have been liable to pay to the Company, for, or on account of any debt of the Company in pursuance of any action, suit, judgment, or other legal proceeding that might, if this Act had not been passed, have been instituted or enforced against himself or the Company.

VIII. All such actions, suits, and other legal proceedings as may at the time of the Registration under this Act of any Company hereby authorized to be registered, have been commenced by or against such Company or the Public Officer thereof, may be continued in the same manner as if such Registration had not taken place; nevertheless execution shall not issue against the effects of any individual Shareholder in, or member of, such Company, upon any judgment

decree, or order obtained against such Company in any action, suit, or proceeding so commenced as aforesaid; but in the event of the property and effects of the Company being insufficient to satisfy such judgment, decree, or order, an order may be obtained for winding-up the Company in manner directed by the said Act XIX of 1857.

IX. All Companies registered under this Act shall be wound-up in the manner directed by the said Act XIX of 1857.

X. Nothing in this Act shall affect Act VI of 1839 (*incorporating the Bank of Bengal*), Act III of 1840 (*for the incorporation of a Bank at Bombay*), or Act IX of 1848 (*for the incorporation of a Bank at Madras*), or shall be deemed to apply to the several Banks of Bengal, Madras, and Bombay incorporated by the said Acts respectively.

XI. This Act shall be deemed to be incorporated with and to form part of the said Act XIX of 1857.

## SCHEDULE.

FORM OF STATEMENT TO BE PUBLISHED BY A LIMITED JOINT STOCK BANKING COMPANY.

The Liability of the Shareholders is limited.

The Capital of the Company is divided into \_\_\_\_\_ Shares  
Rupees each.

The number of Shares issued is \_\_\_\_\_

Calls to the amount of \_\_\_\_\_  
per Share have been made, under which the sum of Rupees has been received.

The liabilities of the Company on the first day of January (or July) were—

Rs. As. P.

Notes issued, .....  
Deposits not bearing Interest, .....  
Deposits bearing Interest, ...  
Seven Day and other Bills, ...

Total, \_\_\_\_\_

The Assets of the Company on that day were—

Government Securities, .....  
Bills of Exchange, .....  
Loans on Mortgage, .....  
Other Loans, .....  
Bank Premises, .....  
Other Securities, exclusive of  
unpaid Calls on Shares, ...

Total, \_\_\_\_\_

Dated the first day of \_\_\_\_\_ or  
one thousand eight hundred and \_\_\_\_\_

W. Morgan,  
Clerk of the Council.



THE 6TH SEPTEMBER 1859.

THE following Bill, as settled in Committee of the whole Council, was ordered to be published for general information, and to be re-considered after three months :—

*A Bill for simplifying the Procedure of the Courts of Criminal Judicature not established by Royal Charter.*

WHEREAS it is expedient to simplify the Procedure of the Courts of Criminal Judicature not established by Royal Charter; It is enacted as follows :—

# CHAPTER. I.

## OF THE JURISDICTION OF THE CRIMINAL COURTS.

1. The Criminal Courts of the several grades according to the powers vested in them respectively by any law for the time being in force shall take cognizance of all offences punishable under the Penal Code or under any special or local law, except offences which are by any such law made punishable by some other authority therein specially mentioned.

2. The Criminal Courts shall have jurisdiction over all persons in respect of such offences except such persons as by any Act of Parliament or by any Regulation of the Codes of Bengal, Madras, and Bombay respectively, or by any Act of the Governor General of India in Council, are or shall be expressly exempted from such jurisdiction.

3. No person whatever shall, by reason of place of birth or by reason of descent, be exempt from the rules of Criminal Procedure. Provided that nothing in this Section shall be held to authorize the trial or commitment for trial before any Criminal Court of any person who in respect of the offence with which he is charged is not subject to the jurisdiction of that Court.

4. Except where otherwise expressly provided by this Act, every offence shall be enquired into and determined and the offender prosecuted and punished in the district or division in which the offence was committed. Provided that nothing in this Section shall exempt European British subjects from being tried and convicted before the Supreme Courts of Judicature for offences committed beyond the local limits of such Courts.

5. When a person shall be accused of the commission of any offence by reason of any thing which has been done and of any consequence which has ensued, such offence may be enquired into and determined and every such offender prosecuted and punished in any district or division in which any such thing shall have been done or any such consequence shall have ensued.

The abetment of an offence wherever such abetment shall have taken place, may be enquired into and determined in any district or division in which

the offence abetted may be enquired into and determined by any Court which has jurisdiction to try such offence as if the abetment had been committed at the same place at which the offence abetted was wholly or partly committed; or the abetment may be enquired into and determined in any district or division within which the abettor has done any thing for abetting the commission of such offence.

7. Where any offence shall be committed on the boundary or boundaries of two or more districts or divisions, whether subject to the same local Government or not, or shall be begun in one district or division and completed in another, every such offence may be enquired into and determined in any of the said districts or divisions in the same manner as if it had been actually and wholly committed therein.

8. Where any offence shall be committed on any person or on or in respect of any property in or upon any coach, cart, or other carriage or conveyance or upon any beast of burden employed in any journey, or shall be committed on any person or on or in respect of any property on board any vessel employed on any voyage or journey upon any navigable river, canal, or inland navigation, such offence may be enquired into and determined in any district or division through any part whereof such coach, cart, carriage, conveyance, beast of burden, or vessel shall have passed in the course of the journey or voyage during which such offence shall have been committed, in the same manner as if it had been actually committed in such district or division; and in all cases where the side, middle, or other part of any highway, or the side, bank, middle, or other part of any such river, canal, or navigation, shall constitute the boundary of any two districts or divisions, such offence may be enquired into and determined in either of the said districts or divisions through or adjoining to or by the boundary of any part whereof such coach, cart, carriage, conveyance, beast of burden, or vessel shall have passed in the course of the journey or voyage during which such offence shall have been committed, in the same manner as if it had actually been committed in such district or division.

9. Whosoever shall fraudulently receive or fraudulently have in possession any stolen property, knowing the same to be stolen property, may be prosecuted and punished in any district or place in which he shall have or shall have had such stolen property in his possession, or in any district or place in which any person by whose offence that property came to be stolen property may be prosecuted and punished.

10. Whosoever shall commit any offence by unlawfully receiving or having in possession any moveable property, knowing the same to have been unlawfully taken, obtained, appropriated, or converted, may be prosecuted and punished in any district or place in which he shall have or shall have had such property in his possession, or in any district or place in which any person who unlawfully took, or obtained, or appropriated, or converted such property, may be prosecuted and punished for any offence committed thereby.

11. Any person convicted of an offence who shall escape from any custody in which he is lawfully detained in pursuance of a sentence of a Court of Justice, or by virtue of a commutation of such sentence, may be prosecuted and punished either in the district or place where he shall be apprehended and retaken or in the district in which he shall have escaped from custody.

12. Any offender who shall return from transportation or banishment, the term of such transportation or banishment not having expired, and his punishment not having been remitted, may be prosecuted and punished either in the district or place where he shall be apprehended, or in that in which he was formerly tried.

13. Whenever any doubt shall arise as to the district or division in which any offence should be enquired into or any offender prosecuted, it shall be lawful for the Sudder Court within whose jurisdiction the offender is apprehended to determine in which district or division the enquiry or prosecution shall take place.

14. It shall be competent to the Sudder Court to direct the transfer of any Criminal case or appeal from a Criminal Court subordinate to its authority to any other such Criminal Court of equal or superior jurisdiction, whenever it shall appear to the satisfaction of such Sudder Court that the transfer will promote the ends of justice or tend to the general convenience of the parties and witnesses.

15. It shall be competent to a Magistrate to withdraw any Criminal case from any Court of a Deputy Magistrate of either class within his district and to try the case himself or to refer it for trial to any other such Court of equal or superior jurisdiction.

## CHAPTER II.

### PRELIMINARY RULES.

16. In all Criminal Courts complainants and witnesses shall be examined according to the provisions of the law for the time being in force in relation to the examination of complainants and witnesses.

17. In all cases where by the sentence or order of any Criminal Court a fine is imposed upon a conviction for any offence made punishable by fine whether the offence be punishable or punished by fine only or

otherwise, it shall be lawful for such Court to order that the fine or any part thereof not exceeding the loss appearing to be caused to the person who has suffered by such offence, be paid to or for the benefit of such person according to the discretion of the Court, and in every such case the fine when levied or paid shall be paid and distributed accordingly.

18. In every case punishable with imprisonment as well as fine, in which the offender is sentenced to a fine, whether with or without imprisonment, the Criminal Courts shall be guided by the provisions of Sections 8 and 9 Chapter III of the Penal Code in awarding the period of imprisonment in default of payment of the fine; provided, however, that in such cases decided by the Magistrate and Subordinate Criminal Courts, the period of imprisonment awarded in default of payment of the fine shall in no case exceed one-fourth of the period of imprisonment which such Magistrate or Subordinate Criminal Court is competent to inflict as punishment for the offence otherwise than as imprisonment in default of payment of the fine.

19. In every case in which an offender is sentenced to a fine, it shall be competent to the Court which sentences such offender, whether the offence be punishable with fine only or otherwise and whether or not the sentence direct that in default of payment of the fine the offender shall suffer imprisonment, to issue a warrant for the levy of the amount by distress and sale of any goods and chattels of the offender which may be found within the jurisdiction of the Court.

20. It shall be competent to the Government to empower any Subordinate Criminal Court to hold the preliminary enquiry into cases triable by the Court of Session, or by any of the Supreme Courts of Judicature, and to commit or hold to bail parties to take their trial before such Courts, and to exercise all the powers necessary for such purposes.

21. No person shall be empowered by Government to hold a preliminary enquiry into cases triable by any of the Supreme Courts of Judicature, or to arrest, hold to bail, or commit any European British subject, unless the person so authorized is a Covenanted servant of Government or a European British subject.

22. Nothing in the foregoing Section shall be taken to prevent any Officer exercising the lawful powers of Magistrate from hearing a complaint against a European British subject, and issuing a warrant of arrest or holding to bail any European British subject so charged with a crime to the complaint being investigated before a Magistrate authorized as provided in the last foregoing Section.



23. When a European or American has been arrested or held to bail under a warrant issued by an Officer not being a Covenanted servant or a European British subject, such Officer shall forthwith forward him to the Magistrate of the District or to some other Officer exercising the powers of a Magistrate who is a Covenanted servant or a European British subject.

### CHAPTER III.

#### OF THE SUMMONS AND WARRANT OF ARREST.

24. Where an offence has been committed, or is supposed to have been committed, the proceeding, in order to compel the party known or suspected to have committed such offence to appear for the purpose of enquiry concerning the same, may be by summons or arrest.

25. A summons or a warrant of arrest may be obtained on such complaint as is described in the next succeeding Section.

26. Every complaint made before a Magistrate or other Officer having any of the powers of a Magistrate and who is also authorized to receive cases without reference from a Magistrate, in order to the issuing of a summons or a warrant against a person accused of any offence either directly or on suspicion, if not written, shall be forthwith reduced into writing, and shall be signed by the complainant, and also by the Magistrate or other Officer issuing the summons or warrant.

27. Upon such complaint duly made before a Magistrate or other Officer as aforesaid, he shall, in case it appear to him that there is sufficient ground for proceeding, issue his summons or warrant for causing the person accused to appear before himself or some other Magistrate or Officer or Court having jurisdiction; and if in the judgment of such Magistrate or other Officer there be no sufficient ground, he shall dismiss the complaint whether it be direct or on suspicion only.

28. Except as is otherwise provided in Chapter X of this Act, a Magistrate or other Officer as aforesaid may take cognizance of offences without complaint made, without any complaint take cognizance of any offence which may come to his knowledge and may issue a summons or warrant of arrest against the party known or suspected to have committed such offence in the same manner as if a complaint had been made against such person. This Section shall not apply to the offences described in Chapters XX, XXI, and XXII of the Penal Code.

29. Every summons issued by a Magistrate or other Officer as aforesaid to a person so accused shall be in writing, under the signature and seal of the Magis-

trate or other Officer issuing it, and shall be in the form (A) given in the Appendix or to the like effect.

30. The summons shall be served on the person accused personally, or in case the person accused shall not be found at his ordinary place of residence it may be left for him with some adult male member of his family residing with him.

31. A Magistrate or other Officer as aforesaid may, notwithstanding such summons, either before the appearance of the person accused, as required by such summons, or after default made by him so to appear, issue a warrant of arrest against such person in all cases in which he might so have done had no such summons been issued.

32. A Magistrate or other Officer as aforesaid of one district or division may grant a warrant for the apprehension of a suspected offender within that district or division as the case may be, in respect of an offence of which the law takes cognizance committed in a different district or division, or on the high seas, or in a foreign country.

33. In the preceding Sections, and any other Section of this Act, wherever the district or other place or the Court in or before which any offence is to be enquired of and determined, or any offence is to be prosecuted and punished, is described, the term "enquired of" shall be deemed to comprise every proceeding preliminary to trial; the term "determined," to comprise trial, and every subsequent proceeding, including the punishment of the offender; and the terms "prosecuted and punished," to comprise every proceeding, whether preliminary or subsequent to trial, or upon such trial; unless in any such case there be something in the subject or context repugnant thereto.

34. The local jurisdiction of the Magistrate of a zillah or district shall for the purposes of this Act be deemed a district; and the local jurisdiction of a Deputy Magistrate, when such Deputy Magistrate is invested with jurisdiction in a particular part of the district, shall be deemed a division.

### CHAPTER IV.

#### OF THE WARRANT AND ITS EXECUTION.

35. Every warrant shall be in writing and shall be signed and sealed by the Magistrate or other Officer issuing it and shall be in the form (B) given in the Appendix or to the like effect.

36. A warrant directed to several persons may be executed by all or by any one or more of them.

37. A warrant directed to a Superior Officer of Police or to a nazir or other proper Officer of a Court may be executed by any Officer subordinate to such superior Officer of Police or Officer of the Court respectively whose name shall be endorsed upon the warrant by the Officer to whom the same is directed.

38. A Magistrate or other Officer authorized to issue a warrant or other Criminal process may attend personally for the purpose of seeing that the same be duly executed, and may adopt or direct any legal measures that may be necessary for the due execution thereof.

39. A warrant directed to any other person than an Officer of Police or of a Court shall be executed by that person; provided nevertheless, that any other person may aid in executing such warrant if the person authorized to execute the same be near at hand and acting in the execution of the warrant.

40. Every person is bound to assist a Magistrate or Police Officer demanding his aid in the taking of an offender, the preventing a breach of the peace, the suppression of a riot, or the taking of the rioters.

41. A warrant issued by any Magistrate or other Officer as aforesaid must be executed (unless it be specially otherwise provided) within the jurisdiction of the Magistrate or other Officer by whom it was issued, or of the Magistrate or other Officer by whom it has been duly endorsed for execution.

42. In case any person against whom a warrant shall be issued by any Magistrate or other Officer as aforesaid shall escape, go into, reside, or be, or be supposed to be, in any place out of the jurisdiction of the Magistrate or other Officer granting such warrant, the Magistrate or other Officer of the place into or in which such person shall escape, go, reside, be, or be supposed to be, whether such place shall be subject to the same local Government or not, shall endorse his name on such warrant which shall be a sufficient authority to the person or persons bringing such warrant, and to all other persons to whom such warrant was originally directed, to execute such warrant within the jurisdiction of the Magistrate or other Officer who endorsed such warrant, and to apprehend and carry such person before the Magistrate or other Officer who endorsed such warrant, or before the Magistrate or other Officer of the district where the offence was committed. In case such person be carried before the Magistrate or other Officer who endorsed the warrant, and the offence with which he is charged is bailable in law, he shall be dealt with in the manner hereinafter described in Section 122. If the offence be not bailable, he shall be forwarded to the Magistrate or other Officer of the district in which such offence was committed.

43. Provided that it shall be competent to a Magistrate or other Officer issuing a warrant for the arrest of a person out of his jurisdiction to direct the warrant to the Magistrate or other Officer of the district in which such person is, or is supposed to be, and to transmit the same by post. On the receipt of the warrant by the Magistrate or other Officer to whom it is directed, he shall endorse his name on such warrant, and enforce its execution in the same manner as if the warrant had been originally issued by himself. On such person being apprehended and carried before the Magistrate or other Officer who endorsed the warrant, he shall be dealt with as provided in the last preceding Section.

44. If a person for whose apprehension a warrant has been granted by a Magistrate or other Officer under the provisions of Section 32 is suspected of an offence committed in a different district, the Magistrate or other Officer granting the warrant shall, unless he is authorized by any law to complete the enquiry himself, send the person arrested to the Magistrate or other Officer of the district in which the offence was committed, or take bail for his appearance before such Magistrate or other Officer if the offence of which he is suspected is bailable in law; and in all other instances the Magistrate or other Officer shall report the case for the orders of the Sudder Court.

45. If the warrant under Section 32 shall have been granted by any Officer subordinate to a Magistrate, such Officer shall send the person arrested to the Magistrate to whom he is subordinate, unless the offence of which the person arrested is suspected shall have been committed in the jurisdiction of another Subordinate Officer of the same district; in which case the Officer who granted the warrant shall send the person arrested to the Officer of the division in which such offence was committed.

46. In making an arrest the Officer or other person executing the warrant shall actually touch or confine the body of the person to be arrested, unless there be a submission to the custody by word or action.

47. After arrest the person arrested shall not be subjected to any more restraint than such as may be necessary to prevent his escape.

48. An Officer or other person executing a warrant of arrest shall notify the substance of the warrant, and if required so to do shall show the warrant.

49. If a person against whom a warrant of arrest is issued shall forcibly resist the endeavor to arrest him, it shall be lawful for the person executing the warrant to use all such means as may be necessary to effect the arrest.

50. Any person authorized by a warrant to arrest a person accused of any offence for which a warrant may issue on complaint, may break open any outer or inner door or window of a dwelling house, whether that of the person accused or of any other person, in order to execute such warrant, if, after notification of his authority and purpose, and demand of admittance duly made, he cannot otherwise obtain admittance.

51. If information be received that a person accused of any offence for which a warrant may issue, has concealed himself in a zenanah or female apartment in the actual occupancy of women, the Officer or other person employed to execute the warrant shall take such precautions as may be necessary to prevent the escape of the accused, and if such person shall not deliver himself up, the Police Officer or other person authorized to execute the warrant may break open the zenanah, and execute the process intrusted to him, first giving notice to any woman in the zenanah that she is at liberty to withdraw.

52. After arrest made, the Officer or other person executing the warrant shall without unnecessary delay bring the person arrested before the Magistrate or other authority described in the warrant.

53. No Officer or other person shall offer to the person arrested any inducement, by threat or promise or otherwise, to make any disclosure. But no Officer or other person shall prevent the person arrested, by any caution or otherwise, from making any disclosure which he may be disposed to make of his own free will.

## CHAPTER V.

### OF ARREST WITHOUT WARRANT.

54. A Police Officer or other person who sees any offence committed for which a warrant may issue may, without warrant, arrest the offender.

55. A Police Officer may, without warrant, arrest of his own authority a person against whom a reasonable complaint is made or against whom there exists reasonable suspicion of his having committed an offence for which a warrant may issue or who may be found with stolen goods in his possession.

56. A Police Officer or other person may, without warrant, arrest a proclaimed offender, or a person against whom a hue and cry has been raised of his having been concerned in an offence.

57. If a person liable to arrest without warrant under the foregoing rules, shall enter into and conceal himself in a dwelling house, the person authorized to make the arrest shall take such precautions as may be

necessary to prevent the escape of the accused, and send immediate information to the Magistrate or Head Officer of the Police Division, but no house shall be broken into for the purpose of arresting any person without a warrant.

58. A Police Officer may, of his own authority, interpose for the suppression of a breach of the peace, or prevention of a breach of the peace committed or attempted to be committed in his view; and in the event of disobedience or resistance may, without warrant, arrest the offender.

59. A Police Officer may apprehend any person who obstructs him while in the execution of his duty, and carry him before the Magistrate, or before the Head Officer of the Police Division.

60. A Police Officer or other person, having arrested a person for an offence, shall take or send him before the Magistrate or the Head Officer of the Police Division without unnecessary delay.

61. Where any offence is committed in the presence of any Magistrate or other Officer authorized to issue a warrant, he may order any person to arrest the offender, and may thereupon commit him to custody or, at his discretion, where the offence is bailable, may admit him to bail.

## CHAPTER VI.

### OF ESCAPE AND RE-TAKING.

62. If a person lawfully arrested on any Criminal process shall escape or be rescued, it shall be lawful for the person from whose custody such prisoner so escaped or was rescued, to make fresh pursuit, and re-take him in any place, either within or without the jurisdiction where he was so in custody, and to deal with him as he might have done on an original taking.

63. In order to re-take any person, within the meaning of the last preceding Section, the person so making fresh pursuit as is therein described may adopt the same measures as he might have done on the original taking.

## CHAPTER VII.

### OF SEARCH WARRANT.

64. Whenever a Magistrate or other Officer having jurisdiction in respect of an offence supposed to have been committed, shall consider that the production of any thing will be essential to the conduct of an enquiry into such offence, he may grant his warrant to search for such thing; and it shall be lawful for the Officer charged with the execution of such warrant to search for such thing in any dwelling or place. In such case the Magistrate shall, if he think right, specify in his warrant the dwelling or place, or part thereof, to which only the search shall extend.

65. The Magistrate or other Officer shall direct his warrant to the Head Officer of a Police Station within whose jurisdiction the dwelling or place to be searched is situate, or to any other Police Officer to whom the Magistrate or other Officer may think fit to commit the execution of that duty. A warrant directed to a Head Officer of a Police Station may, in the event of such Officer not being able to proceed in person, be executed by any Officer subordinate to such Head Officer above the rank of a peon or burkundaz.

66. Whenever it may be necessary for a search warrant to be executed out of the jurisdiction of the Magistrate or other Officer issuing the warrant, the Magistrate or other Officer of the jurisdiction within which the warrant is to be executed shall endorse his name on the warrant which shall be sufficient authority for the person charged with the execution of such warrant to execute the same, or the search warrant may be directed to the Magistrate or other Officer within whose jurisdiction the search is to be made, and such Magistrate or other Officer shall thereupon endorse his name on such warrant and enforce its execution in the same manner as if the warrant had been issued by himself.

67. Provided that in any case of emergency a Magistrate or other Officer may grant his warrant for the search of any thing concealed, or supposed to be concealed, in a dwelling or place out of his jurisdiction, and may direct that it be executed without obtaining the endorsement of a Magistrate or other Officer within whose jurisdiction the search is to be made. When a Magistrate or other Officer grants a warrant under this Section, he shall inform the Magistrate or other Officer of the district in which the dwelling or place to be searched is situate.

68. If the door of the dwelling or place be shut, the person charged with the execution of the warrant may proceed to break open the door, if, after notification of his authority and purpose, and demand of admittance duly made, he cannot otherwise obtain admittance.

69. If the place ordered to be searched is a zenanah or female apartment in the actual occupancy of women, the Officer charged with the execution of the warrant shall give notice to any women in the zenanah that they are at liberty to withdraw; and, after giving such notice, and allowing a reasonable time for the women to withdraw, such Officer may enter the zenanah for the purpose of completing the search, using at the same time every precaution consistent with these provisions for preventing the clandestine removal of property.

70. The search is to be made in the presence of two or more respectable inhabitants of the place in which the dwelling or place searched may be situate, and such persons shall subscribe their names to the report made to the Magistrate or other Officer; but such persons shall not be required to attend as witnesses unless specially summoned by order

of the Magistrate or other Officer. The occupant of the house, or some person in his behalf, shall in every instance be permitted to attend during the search.

71. All property claimed as having been stolen, as well as all property suspected to have been stolen which is found on persons accused of robbery or theft or which is seized by Police Officers under suspicious circumstances, as also anything the production of which is essential to the conduct of an enquiry into an offence, shall be forwarded without delay, together with a list to the Magistrate.

72. If a Magistrate, upon information and after such enquiry as he may think necessary, has reason to believe that any house, room, or other place is used as a place of deposit or sale or as a place for the manufacture of forged documents or counterfeit Government stamps or counterfeit coin, or that any forged documents or counterfeit stamps or false seals or any counterfeit coin or instruments used for counterfeiting coin, are kept or deposited in any house, room, or other place, he may by his warrant authorize any Officer of Police above the rank of a peon or burkundaz to enter, with such assistance as may be found necessary, by night or by day, and by force if necessary, any such house, room, or other place, and to search in manner aforesaid all such parts of the same as shall be specified in the warrant, and to seize and take possession of all documents, stamps, seals, or coins therein found which he may reasonably suspect to be forged, false, or counterfeit, and also of all such instruments as aforesaid.

## CHAPTER VIII.

### PRELIMINARY ENQUIRY BY THE POLICE.

73. The Head Officer of a Police Station may take cognizance, without orders from the Magistrate, of any of the undermentioned offences punishable under the Penal

Code, namely :

Chapter VII, Offences relating to the Army and Navy.

Chapter VIII, Offences against the public tranquillity, except the offences described in Sections 14 and 15.

Chapter IX, the offences by or relating to public servants described in Sections 10 and 12.

Chapter X, contempts of the lawful authority of public servants so far as regards offences committed in contempt of his own authority.

Chapter XI, the offences against public justice described in Sections 21, 24, 32, 34, 36, and 37.

Chapter XII, offences relating to Coin and Government Stamps, except the offences described in Sections 32, 33, 34, and 35.

Chapter XIII, offences relating to Weights and Measures.

Chapter XIV, the offences affecting the public health, safety, convenience, decency, and morals described in Sections 2, 3, 10, 11, 12, 13, 14, 15, 17, 18, 20, 21, 24, 25, and 26.

Chapter XV, the offences relating to Religion, described in Sections 1, 2, and 3.

Chapter XVI, offences affecting the Human Body, except the offences described in Sections 16,



15, 16, 17, 18, 47, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, and 63.

Chapter XVII, offences against property, except the offences described in Sections 5, 6, 7, 8, 9, 10, 11, 25, 26, 27, 28, 29, 30, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, and 52.

74. Police Officers shall not without express orders from the Magistrate take cognizance of any offences punishable under the Penal Code other than those above described or under any special or local law. But it shall be

competent to the Magistrate, upon the report of a Police Officer or otherwise, to direct enquiry to be made by the Officers of Police into any offence punishable under the Penal Code or under any special or local law.

75. Upon complaint or information being preferred to a Head Officer of a Police Station of the commission within his jurisdiction of any offence of which such Officer is empowered to take cognizance, he shall proceed in person, or depute one of his Subordinate Officers to proceed to the spot to enquire into the facts and circumstances of the case, and to take such measures as may be necessary for the discovery or apprehension of the offenders.

76. Provided that when complaint is made against any person by name and the case is not of a serious nature, it shall not be incumbent on the Head Officer of a Police Station to proceed in person or to depute a Subordinate Officer to make an enquiry on the spot unless such local enquiry shall appear to be necessary.

77. Every complaint on information preferred to a Head Officer of a Police Station shall be reduced to writing and entered in the Diary kept by such Officer.

78. A Head Officer of a Police Station may issue a warrant for the arrest of any person who is accused or against whom there may be reasonable ground of suspicion of having been concerned in the commission of any offence of which such Officer is empowered to take cognizance, and the provisions respecting warrants contained in Chapters IV and V shall be applicable to warrants issued by such Officers.

79. The Head Officer of a Police Station may also issue summonses for the attendance of any persons who from the statement of the complainant or otherwise appear to be acquainted with the facts and circumstances of the case.

80. The provisions in Chapter VII respecting search warrants, shall be applicable to search warrants issued by a Head Officer of a Police Station.

81. Whenever a Head Officer of a Police Station shall consider that the production of any thing will be essential to the conduct of an enquiry into any offence which he is authorized to en-

quire into, he may grant his warrant to search for such thing in any dwelling or place within his division which shall be specified in his warrant; and it shall be lawful for the Officer legally charged with the execution of such warrant to search for such thing in such dwelling or place.

82. The Head Officer shall, if practicable, conduct the search in person; but if unable to proceed in person, shall direct his warrant to any Police Officer of his division above the rank of a peon or burkundaz.

83. A Head Officer of a Police Station may require the Head Officer of another Police Station, whether subject to the same Magistrate as himself or to the Magistrate of any other district, to issue a search warrant in any case in which he may issue such warrant himself.

84. It shall be lawful for the Head or other Officer of Police to pursue persons accused of the offences described in Section 73 into the jurisdiction of another Head Officer of a Police Station whether subject to the same Magistrate as himself or to the Magistrate of any other district, whether such place be within the same Presidency or under the same local Government or not.

85. The examination of witnesses by the Police shall be taken on the spot where the enquiry is held in the presence of the Head Officer of a Police Station, or in the event of his absence, in the presence of any Officer above the rank of a peon or burkundaz. It shall be lawful for the Head or other Officer of Police to examine orally any person who is supposed to be acquainted with the facts and circumstances of the case: but the statement made by the person so examined shall not be signed by him or treated as part of the record or forwarded or used as evidence. Provided that nothing in this Section shall preclude such Head or other Officer of Police from reducing to writing the statement made by any witness.

86. No Police Officer or other person shall offer any inducement to an accused person by threat or promise or otherwise to make any disclosure or confession.

87. It shall not be competent to a Head or other Officer of Police to record any admission or confession of guilt which may be made before him by a person accused of a Criminal offence. Provided that nothing herein contained shall preclude any such Officer from reducing any such admission or confession to writing for his own information or guidance.

88. No confession or admission of guilt made to a Head or other Officer of Police shall be used as evidence against a person accused of any Criminal offence.

89. No confession or admission of guilt made to a Head or other Officer of Police shall be used as evidence against a person accused of any Criminal offence.

90. No confession or admission of guilt made to a Head or other Officer of Police shall be used as evidence against a person accused of any Criminal offence.

89. No confession or admission of guilt made by any person accused of a Criminal offence whilst such person is in the custody of the Police shall be used as evidence against the prisoner.

Confession made while the accused is in custody of the Police shall not be used as evidence.

90. When any fact is deposed to by a Police Officer as discovered by him in consequence of information received from a person accused of any Criminal offence, then so much of such information, whether it amounts to a confession or admission or not, as relates distinctly to the fact discovered by it, may be given in evidence.

91. The Head or other Officer of Police shall complete the enquiry with as little delay as possible. If the person arrested appears, from the information obtained, to have committed the offence charged, and the offence is not bailable, he shall be forwarded under custody to the Magistrate, and the Head or other Officer of Police shall bind over the prosecutor and witnesses to appear on or before a fixed day before the Magistrate. But when in any case a subordinate Officer of Police has made the enquiry, he may be required by the Head Officer of Police to submit his proceedings to him, or may do so without such instructions, and the Head Officer shall then proceed as if he had made the enquiry himself.

92. Provided that it shall not be lawful for the Head or other Officer of Police to detain the accused in custody, without the special orders of the Magistrate, for a longer period than under all the circumstances of the case is reasonable, such period in no case to exceed forty-eight hours. If the enquiry has not been completed within forty-eight hours, the Head or other Officer of Police, on his being satisfied that there are grounds for believing that the accusation is well founded, shall nevertheless forward the accused to the Magistrate with a short despatch stating the offence for which the accused has been arrested.

93. If it shall appear to the Head or other Officer of Police that there is not sufficient evidence or reasonable ground of suspicion to warrant the transmission of the accused to the Magistrate, he shall release the accused on bail, or on his own recognizance, to appear when required, and submit his proceedings for the orders of the Magistrate.

94. In all cases the Head or other Officer of Police shall day by day record his proceedings by way of diary setting forth the time at which the complaint or other information reached him, the time at which he began and closed his enquiry, the place or places visited by him, and a brief statement of the circumstances elicited by his investigation, and shall forward day by day a copy of such record to the Magistrate.

95. In all cases, in submitting his proceedings to the Magistrate, the Head or other Officer of Police shall forward the statement of the person complaining,

Proceedings of the Head Officer of what to consist.

with a brief report of the names of the parties, the nature of the complaint, and the names of the witnesses, without any expression of opinion as to the guilt of the accused, and shall also transmit any weapon or property which it may be necessary to produce before the Magistrate. The Officer shall state in his report whether he has forwarded the accused in custody, or released him on bail or on his own recognizance.

96. If on any complaint or information being preferred to a Head Officer of a Police Station, it shall appear to such Officer that there is no sufficient ground for entering on an enquiry, or that the immediate apprehension of the accused is not necessary for the ends of justice, he shall abstain from issuing process or otherwise proceeding in the case and shall report the substance of the complaint or information for the orders of the Magistrate.

97. Persons accused of the commission of any of the offences entered as not bailable in the third column of the Schedule\* of offences hereto annexed, shall not be admitted to bail, if there appear reasonable grounds for believing that such persons have been guilty of the offence imputed to them; but in all cases of persons accused of any other offences, if sufficient bail be tendered for appearance before the Magistrate, the Head Officer of a Police Station shall accept such bail, and release the party apprehended.

98. In cases of manifest necessity, when the Head Officer of a Police Station may be apprehensive of danger to the public peace by the enlargement of a person arrested for rioting or other bailable offence, without security being taken for his peaceable conduct, the person so arrested shall be required, in addition to the bail for his appearance, to furnish security for keeping the peace until the time of such appearance; and the surety or sureties shall execute a recognizance in an amount to be regulated by the circumstances of the case and the condition of the person executing the same. In default of his furnishing the required security, the accused shall be forwarded under custody to the Magistrate.

99. The Officers of Police shall report to the Magistrate the cases of all persons apprehended within their respective jurisdictions whether such persons may have been admitted to bail or otherwise; and no person who has been apprehended shall be discharged except on bail, or on his own recognizance, or under the special order of the Magistrate.

100. The bail to be taken for appearance before the Magistrate, in pursuance of Section 97, shall not be excessive; and the surety or sureties shall bind himself or themselves under a specific penalty to produce the defendant before the Magistrate on or before a fixed day, to answer the complaint.

\* See Schedule annexed to the Bill as published in the Gazette of the 11th March 1857.



101. Prosecutors and witnesses, whose attendance may be necessary at the Criminal Courts, shall execute recognizances before the Police Officers, to appear before the Magistrate on a specific day, which shall be the day whereon the accused may be bound to appear if he shall have been admitted to bail, or on the day on which he may be expected to arrive at the Magistrate's place of residence if he is to be forwarded under custody. The Police Officer in whose presence the recognizance may be executed shall forward it with his report to the Magistrate, and shall deliver to the prosecutor or witness a despatch which the prosecutor or witness shall be required to deliver in person to the Magistrate or the Nazir of his Court, unaccompanied by any Officer of Police.

102. The Police Officers shall not subject any prosecutor or witness to restraint or unnecessary inconvenience, nor require them to give any other security for their appearance than their own recognizances; but if any prosecutor or witness shall refuse to attend, or to execute the recognizance directed in the last preceding Section, it shall be competent to the Head Officer to forward such prosecutor or witness under custody to the Magistrate, who may detain such prosecutor or witness in custody until he shall execute such recognizance or until the hearing before the Magistrate.

103. It shall be the duty of the Head Officer of a Police Station, on receiving notice or information of the unnatural or sudden death of any person, immediately to proceed to the place where the body of such deceased person is, and there in the presence of two or more respectable inhabitants of the neighbourhood to make enquiry and report the apparent cause of death, describing any marks of violence which may be found on the body and stating in what manner or by what weapon or instrument they appear to have been inflicted. The report shall be signed by such Police Officer and other persons or by so many of them as shall concur therein, and shall thereupon be forthwith forwarded to the Magistrate. Where there may be any doubt regarding the cause of death, such Police Officer shall forward the body to the Magistrate with a view to its being examined by the Civil Surgeon, if the state of the weather and distance from the Magistrate's Court will admit of its being so forwarded without risk of putrefaction on the road. In the Presidencies of Madras and Bombay it shall be the duty of the Head of the Village in like manner to make enquiry and report as aforesaid, unless the Head Officer of a Police Station shall himself make enquiry and report.

104. The powers to be exercised by the Head Officer of a Police Station under the foregoing rules shall be exercised in the event of his absence or illness by the Head Police Officer present at the Police Station above the rank of a peon or burkundaz.

105. All processes in Criminal cases cognizable by the Police Officers shall be served by the peons or burkundazes at the Police Station, without any charge to the parties or witnesses.

106. The word "Magistrate" as used in this Chapter shall include any Deputy Magistrate placed in immediate charge of a division and authorized to receive cases without reference from the Magistrate.

## CHAPTER IX.

### OF CONTEMPTS AND DISOBEDIENCE OF ORDERS.

107. When any such offence as is described in Section 39 of Chapter XI of the Penal Code is committed in contempt of the lawful authority of any Court, Civil or Criminal, it shall be competent to such Court to take cognizance of the same and to adjudge the offender to punishment as authorized by the said Section.

108. When any of the offences described in Chapter X of the Penal Code is committed in contempt of the lawful authority of any Court, Civil or Criminal, it shall be competent to such Court to take cognizance of the same, and to adjudge the offender to punishment as authorized by the Section applicable thereto. Where a person has been sentenced to punishment under the provisions of this Section for refusing or omitting to do anything which he was required to do, it shall be competent to the Court to remit the punishment on the submission of the offender to the order or requisition of such Court.

109. Provided that, in fixing the measure of punishment for any of the offences referred to in the last two preceding Sections, no Magistrate or Deputy Magistrate shall exceed his ordinary powers of punishment, and that no Civil Court subordinate to the Chief Civil Court of the District shall adjudge a heavier punishment than fine to the amount of one hundred Rupees, or imprisonment for a period of three months.

## CHAPTER X.

### PROSECUTIONS IN CERTAIN CASES.

110. Charges of offences punishable under Chapter VI of the Penal Code shall not be entertained by any Court unless the prosecution be instituted by order of, or under authority from, the Governor General in Council, or the Governor in Council of any Presidency, or by order of, or under authority from, a public Officer empowered by the Governor General in Council to direct or authorize such prosecution, or unless instituted by the Advocate General.

111. In cases of contempt of the lawful authority of public servants, and other

Prosecution for certain offences under Chapter X of the Penal Code not to be instituted but with the sanction of the public servants concerned.

sanction of the public servants concerned, or if they are inferior ministerial servants, with the sanction of their official superiors.

112. In cases of offences against public justice, described in Sections 3, 4, 5, 6,

For certain offences under Chapter XI of the Penal Code, but with the sanction of the authority before which the offence was committed.

9, 10, 16, 17, 19, 20, and 39, of Chapter XI of the Penal Code, no prosecution shall be instituted in the Criminal Courts but with the sanction of the Civil or Criminal Court before or against which such offence was committed, or of some other Court to which such Court is subordinate. Except in the case of the offence of fraudulently obtaining a decree as described in Section 19 of Chapter XI of the said Code, such sanction may be given at any time, either before or after the determination of the case in which the offence was committed.

113. In cases of offences relating to documents described in Sections 1, 10, 14,

Prosecution for certain offences relating to documents not to be instituted but with the sanction of the Court in which such documents were given in evidence.

and 15 Chapter XVIII of the Penal Code, when the document shall have been given in evidence in any proceedings in any Court, Civil or Criminal, no prosecutions shall be instituted in the Criminal Courts by a party to such proceedings, but with the sanction of the Court in which the document was given in evidence, or of some other Court to which such Court is subordinate.

114. When any Court, Civil or Criminal, is of

Mode of proceeding in cases mentioned in the three last preceding Sections.

opinion that there is sufficient ground for bringing any person to trial on a charge of any of the offences referred to in the last three preceding Sections, the Court, after making such preliminary enquiry as may be necessary, may send the case for investigation to the Magistrate, who shall proceed to inquire into the case, and pass such orders thereon as he may deem proper.

115. Provided that it shall be competent to a

Power of Court of Session in respect of such offences committed before it.

charge. Provided

Civil Courts empowered to complete investigation and commit accused to Court of Session.

also that in any case triable by the Court of Session, it shall be lawful for any Court of Civil Judicature before which the offence was committed, instead of sending the case for investigation to the Magistrate, to complete the investigation itself and to direct the commitment of the accused person to the Court of Session.

116. When any such commitment is made by

Procedure by Civil Court in such cases.

order of a Court of Civil justice, the Court shall frame a charge in the manner hereinafter provided, and shall transmit the same with the order

of commitment and the record of the case to the Magistrate, and the Magistrate shall bring the case before the Court of Session in like manner as if the preliminary enquiry had been made by himself.

## CHAPTER XI.

### OF PRELIMINARY ENQUIRY BY THE MAGISTRATE IN CASES TRIABLE BY THE COURT OF SESSION.

#### *Complaint and issuing of Process for causing the Attendance of the Accused.*

117. In all cases where a complaint shall be

made before a Magistrate having jurisdiction, that any person has committed, or is suspected to have committed, any of the offences specified in the Schedule as triable exclusively by the Court of Session, or which in the opinion of the Magistrate is one that ought to be tried by the Court of Session, it shall be lawful for such Magistrate to issue his warrant to apprehend such person ;

provided always that in all cases it shall be lawful for the Magistrate to whom such complaint shall be made, if he shall so think fit, instead of issuing in the first instance his warrant to apprehend the person so complained against, to issue his summons requiring him to appear to answer to such complaint.

May issue a summons instead of a warrant.

118. If the Magistrate see cause to distrust

the truth of the complaint, he may postpone the issuing of process for causing the attendance of the accused, and direct a previous enquiry to be made into the complaint, either by means of his Assistant or of any Deputy Magistrate or of the local Police Officers, or in such other mode as he shall judge most proper, for the purpose of ascertaining the truth or falsehood of the complainant's allegations. If the result of the enquiry shall lead the Magistrate to believe that the charge is well founded, and the offence is of the nature described in Section 117, it shall be lawful for him to issue his warrant or summons as therein

directed ; provided that nothing herein contained shall prevent the Magistrate from at once dismissing the complaint, if in his judgment there be no sufficient ground for proceeding with it.

May dismiss the complaint.

119. It shall be in the discretion of the Magistrate in issuing his warrant

for the arrest of any party against whom a complaint has been made, to direct that if

such party be willing and ready to give bail in a sum to be fixed by the Magistrate for his appearance before the Magistrate on a specified day, to answer the complaint, the Officer to whom the warrant is directed shall accept such bail, and shall release the party from custody. In the event of bail being given, the Officer shall forward the recognizance to the Magistrate.

120. The Magistrate may, if he sees sufficient cause, dispense with the personal attendance of the party complained against, and permit him to appear by an agent

duly authorized to act in his behalf. Provided that it shall be in the discretion

Magistrate may dispense with the personal attendance of the accused.

of the Magistrate, at any stage of the proceedings, to direct the personal attendance of such party.

121. Nothing contained in the last four preceding Sections shall be held to restrain the Magistrate from issuing his warrant for the apprehension, or his summons for the appearance of any person who is known or suspected to have committed any such offence as aforesaid, although no formal complaint shall have been laid against such person.

122. Where any such person as is mentioned in Section 42 and Section 43 shall be apprehended out of the jurisdiction of the Magistrate granting the warrant against him, and carried before the Magistrate who endorsed such warrant, the Magistrate before whom such person shall be brought, in case the offence for which such person shall be apprehended shall be bailable in law and such person shall be willing and ready to give bail for his appearance on a specified date before the Magistrate granting the warrant, shall take bail of such person for his appearance before the Magistrate granting the warrant, release the person from custody, and forward the recognizance to the Magistrate granting the warrant.

123. If any person accused of an offence absconds or conceals himself, so that upon a warrant issued against him by a Magistrate he cannot be found, the Magistrate shall, on proof that such person absconds or conceals himself for the purpose of avoiding the service of the process, cause a written proclamation requiring such person to appear to answer the complaint within a fixed period, not less than thirty days, to be publicly read and proclaimed by beat of drum, and shall cause such proclamation to be affixed in some conspicuous part of his Court, as well on the entrance door of the house in which the party has usually dwelt, or some conspicuous place in the town or village in which he has usually resided, and may at the same time order the attachment of any moveable or immoveable property held within his jurisdiction by the party absconding or concealing himself. The attachment under this Section shall, if the property ordered to be attached be land paying revenue to Government, be made through the Collector of the district in which the land is situate; and in all other cases either by actual seizure by an Officer of the Magistrate's Court, or by the appointment of a manager and receiver, or by an order prohibiting the payment of rents to the absent party, as the Magistrate shall deem proper under the circumstances of each case. If the absent party shall not appear within the time specified in the proclamation, the property under attachment shall be declared forfeited to Government.

124. In case any person whose property shall have been declared forfeited to Government under the last preceding Section shall within one year after the attachment of his property surrender himself, and shall upon trial before a competent Court prove to the satisfaction of such Court that he did not abscond or conceal himself for the purpose of evading justice,

his property or the proceeds thereof shall be restored to him.

#### *Summoning, &c., of Witnesses.*

125. The Magistrate shall ascertain from the complainant, or otherwise, the names of any persons who may be acquainted with the facts and circumstances of the case, and are likely to give material evidence for the prosecution, and shall issue his summons to such persons, under his hand and seal, requiring them to appear at a time and place mentioned in the summons, before the said Magistrate, to testify what they know concerning the complaint made against the accused party.

126. If any person so summoned shall neglect or refuse to appear at the time and place appointed by the summons, and no just excuse shall be offered for such neglect or refusal, then upon proof of such summons having been served upon such person, either personally or by leaving the same for him with some adult member of his family, it shall be lawful for the Magistrate to issue a warrant, under his hand and seal, to bring such person before him to testify as aforesaid; and, if necessary, such warrant may be backed by the Magistrate of another district, in order to its being executed out of the jurisdiction of the Magistrate who shall have issued the same.

127. If the Magistrate shall be satisfied by evidence before him that it is probable that such person will not attend to give evidence without being compelled so to do, then, instead of issuing such summons, it shall be lawful for the Magistrate to issue his warrant in the first instance, which, if necessary, may be backed as aforesaid.

128. If the warrant cannot be served, and the Magistrate is satisfied that the witness absconds or conceals himself for the purpose of avoiding the service thereof, the Magistrate may cause a proclamation requiring the attendance of such person to give evidence at a time and place to be named therein, to be affixed in some conspicuous place upon his house or place of abode, and if such person shall not attend at the time and place named in such proclamation, the Magistrate may order the attachment of the moveable and immoveable property of such person, to such amount as he shall deem reasonable, not being in excess of the amount of costs of attachment and of any fine to which the person may be liable under the provisions of the following Section.

129. If on the attachment of the property the witness shall appear and satisfy the Magistrate that he did not abscond or conceal himself for the purpose of avoiding the service of the warrant, and that he had not notice of the proclamation in time to attend at the time and place named therein, the Magistrate shall direct that the property be released from attachment, and shall make such order in regard to the costs of the attachment as he shall deem fit. If such witness shall not appear, or appearing, shall fail to satisfy the Magistrate that he did not abscond or conceal himself for the purpose of avoiding the

service of the warrant and that he had not such notice of the proclamation as aforesaid, it shall be lawful for the Magistrate to order the property attached, or any part thereof, to be sold for the purpose of satisfying all costs incurred in consequence of such attachment, together with the amount of any fine which the Magistrate may impose upon such witness under the provisions of Section 4 of Chapter X of the Penal Code. If the witness shall pay to the Magistrate the costs and fine as aforesaid, the Magistrate shall order the property to be released from attachment.

130. If any person summoned or brought before a Magistrate shall refuse to answer such questions as shall then be put to him, without offering any just excuse for such refusal, the Magistrate may, by warrant under his hand and seal, commit the person refusing, to custody for any term not exceeding seven days, unless he shall in the meantime consent to be examined and to answer, after which, in the event of his persisting in his refusal, he may be dealt with according to the provisions of Section 108 or Section 114.

*Examination of Parties and Evidence.*

131. When a case is brought before a Magistrate, whether on complaint or on the report of a Police Officer or otherwise, in which a person is charged with an offence which is triable exclusively by the Court of Session, or which in the opinion of the Magistrate is one that ought to be tried by the Court of Session, the Magistrate shall take the evidence of the complainant, and of such persons as are stated to have any knowledge of the facts which form the subject matter of the accusation and the attendant circumstances.

132. The complainant and the witnesses for the prosecution shall be examined in the presence of the accused person or of his Agent when his personal attendance is dispensed with and he appears by Agent who shall be permitted to cross-examine them.

133. The evidence of each witness shall be taken down in writing in the language in ordinary use in proceedings before the Court by or in the presence and hearing and under the personal direction and superintendence of the Magistrate, not ordinarily in the form of question and answer, but in that of a narrative, and when completed shall be read over to the witness in the presence of the person accused if in attendance, and shall, if necessary, be corrected, and shall be signed by the Magistrate. If the evidence be taken down in a different language from that in which it has been given, and the witness does not understand the language in which it is taken down, the witness may require his deposition as taken down in writing to be interpreted to him in the language in which it was given. When the evidence of a witness is given in English the Magistrate may so take it down in his own hand. It shall be in the discretion of the Magistrate to take down or cause to be taken down any particular question and answer, if there shall appear any special reason for so doing, or any person who is a prosecutor or a person accused shall require it.

The Magistrate shall record such remarks as he may think material respecting the demeanor of any witness while under examination. In cases in which the evidence is not taken down in writing by the Magistrate himself, he shall be bound, as the examination of each witness proceeds, to make a memorandum of the substance of what such witness deposes, and such memorandum shall be written and signed by the Magistrate with his own hand, and shall form part of the record. If the Magistrate shall be prevented from making a memorandum as above required, he shall record the reason of his inability to do so.

134. It shall be in the discretion of the Magistrate at any stage of the proceedings to summon and examine any person whose evidence he may consider essential to the enquiry.

135. It shall be in the discretion of the Magistrate to examine the accused person at any stage of the enquiry, and to put such questions to him from time to time as he may consider necessary, until the enquiry before the Magistrate is completed.

136. If the accused person shall of his own accord propose to confess the commission by him of the offence of which he is accused, the Magistrate shall require him to give an account of the facts and circumstances in detail, and shall examine him thereupon to test the consistency of his relation, in the same manner as if he were a witness.

137. No influence, by means of any promise or threat, shall be used to the accused person under examination to induce him to disclose or withhold any matter within his knowledge.

138. The examination of the accused person, including every question put to him and every answer given by him, shall be recorded in full, and shall be shown or read to him, and he shall be at liberty to explain or add to his answers; and when the whole is made conformable to what he declares is the truth, the examination shall be attested by the signature of the Magistrate, who shall certify under his own hand that it was taken in his presence and in his hearing, and contains accurately the whole of the statement made by the accused person.

139. Any person attending, although otherwise than upon an arrest or summons on a charge made, may be detained by the Magistrate for the purpose of examination, for any offence which from the evidence he may appear to have committed, and proceeded against as though he had been summoned on a charge made.

140. It shall be at the discretion of the Magistrate to summon and examine any witness that may be offered in behalf of the accused person to answer or disprove the evidence against him.

141. The provisions of Sections 126, 137, 130, and 138 shall be applicable to witnesses named in support of the defence.



*Conditional Pardon.*

142. It shall be lawful for the Magistrate, recording his reasons for the same, to tender a pardon to any one or more of the persons supposed to have been directly or indirectly concerned in or privy to the offence, on condition of his or their making a full, true, and fair disclosure of the whole of the circumstances within his or their knowledge relative to the crime committed, and any other person or persons concerned in the perpetration thereof.

143. If it shall appear to a Court of Session at the time of trial or to the Sudder Court as a Court of reference, that any person to whom a pardon may have been offered has not conformed to the conditions under which the pardon was tendered, either by wilfully concealing anything essential, or by giving false evidence or information, it shall be competent to such Court to direct the commitment of such person for trial; and any statement made by such party after the conditional pardon is tendered either before the Magistrate or the Court of Session may be used as evidence against such person.

When Sudder Court or Court of Session may direct the commitment of a person to whom a pardon may have been tendered.

Statement of such person may be used in evidence against him.

144. In like manner it shall be competent to a Court of Session, at the time of trial, and also to the Sudder Court as a Court of reference, to instruct the Magistrate to tender a pardon to one or more persons supposed to have been directly or indirectly concerned in or privy to the offence, with the view of obtaining his or their evidence on the trial.

When Sudder Court or Court of Session may direct a tender of pardon.

persons supposed to have been directly or indirectly concerned in or privy to the offence, with the view of obtaining his or their evidence on the trial.

*Bail.*

145. Where any person shall appear or be brought before a Magistrate accused of any of the offences entered as not bailable in the Schedule, such person shall not be admitted to bail, if there appear reasonable grounds for believing that he has been guilty of the crime imputed to him; but if the evidence given in support of the accusation shall, in the opinion of the Magistrate, not be such as to raise a strong presumption of the guilt of the person accused and to require his committal, or such evidence shall be adduced on behalf of the person accused as shall in the opinion of the Magistrate weaken the presumption of his guilt, but there shall appear to the Magistrate in either of such cases to be sufficient ground for judicial enquiry into his guilt, the person accused shall be admitted to bail.

Bail not to be taken for certain offences if proof of guilt. .

appear reasonable grounds for believing that he has been guilty of the crime imputed to him; but if the evidence given in support of the accusation shall, in the opinion of the Magistrate, not be such as to raise a strong presumption of the guilt of the person accused and to require his committal, or such evidence shall be adduced on behalf of the person accused as shall in the opinion of the Magistrate weaken the presumption of his guilt, but there shall appear to the Magistrate in either of such cases to be sufficient ground for judicial enquiry into his guilt, the person accused shall be admitted to bail.

146. Where any person shall appear or be brought before a Magistrate accused of any of the offences entered as bailable in the Schedule, he shall be admitted to bail.

147. Where a Magistrate shall admit to bail any person accused or suspected of any offence, a recognizance in such sum of money as the Magistrate may think sufficient shall be entered into by the person so ac-

Recognizance of accused and sureties.

cused and one or more sureties, conditioned that such person shall attend during the preliminary enquiry, and if required, shall appear when called upon at the Court of Session to answer the charge.

148. If through mistake or fraud insufficient bail has been taken, or if the sureties become afterwards insufficient, the accused may be ordered by the Magistrate to find sufficient sureties, and in default may be committed to prison.

149. If the accused when called upon cannot find sureties, he shall be admitted to bail upon finding the same at any time afterwards before conviction.

150. After the recognizances shall have been duly entered into, the Magistrate, in case the accused shall have appeared voluntarily, or shall be in the custody of some Officer, shall thereupon discharge him; and in case he shall be in some prison or other place of confinement, shall issue a warrant of discharge to the jailor or other person having him in his custody, who shall thereupon liberate him.

151. The sureties for any person may at any time apply to the Magistrate to be discharged from their engagements, whereupon the

Magistrate shall issue his warrant directing that the person be brought before him. On the appearance of the person pursuant to the warrant or on his voluntary surrender, the Magistrate shall direct the recognizances of the sureties to be discharged, and shall call upon the person to find other sureties, and in default may order him to be committed to prison.

152. Whenever by reason of default of appearance of the party executing the personal recognizance, the Magistrate shall be of opinion that proceedings should be had to compel payment of the penalty mentioned in the recognizance, he shall proceed to enforce the penalty by the attachment and sale of the property of such party.

153. Whenever by reason of default of appearance by the party bailed, the Magistrate shall be of opinion that proceedings should be had to compel payment of the penalty mentioned in the recognizance of the surety or sureties, he shall give notice to the surety or sureties to pay the same, or to show cause why it should not be paid; and, if no sufficient cause shall be shown, the Magistrate shall proceed to recover the penalty from such surety or sureties by the attachment and sale of any of his or their property, and if the penalty be not paid and cannot be recovered by such attachment and sale, such surety or sureties shall be liable to confinement, by order of the Magistrate, in the Civil jail, during a period not exceeding six months.

Proceedings to compel payment of penalty by accused.

Proceedings to compel payment of penalty by sureties.

*Warrant of Commitment.*

154. Every warrant for the commitment of a person to custody shall be directed to some jailor, keeper, or other Officer or person having authority to receive and keep prisoners, either by his name or official

Warrant of commitment how to be directed, &c.

description, and shall be in the form (C) given in the Appendix or to the like effect.

155. The warrant of commitment shall be lodged with the jailor, if he be in the jail; and if he be not, with his deputy; and if he has no deputy, it may be lodged with any Officer of the jail then being in the jail.

*Adjournment.*

156. If from the absence of witnesses or from any other reasonable cause, it shall become necessary or advisable to defer the examination, or further examination, of witnesses for any time, it shall be lawful for the Magistrate, by a written order, from time to time to adjourn the enquiry, and to remand the person accused for such time as shall be deemed reasonable, not exceeding fifteen days; provided also that, instead of detaining the accused person in custody during the period for which he shall be so remanded, the Magistrate may discharge him, upon his entering into a recognizance, with or without a surety or sureties, at the discretion of such Magistrate, conditioned for his appearance before the Magistrate at the time and place appointed for the continuance of such examination.

*Discharge of the Accused.*

157. When a Magistrate finds that there are not sufficient grounds for putting the accused person on his trial on a formal charge, or for remanding him, he shall discharge him.

*Commitment Sec. of the Accused for Trial.*

158. When evidence has been given before a Magistrate which appears to be sufficient for the conviction of the accused of an offence which is triable exclusively by the Court of Session, or which in the opinion of the Magistrate is one that ought to be tried by the Court of Session, the person accused shall be sent for trial by the Magistrate before the Court of Session.

159. As soon as the charge on which the accused person is to be tried has been prepared, it shall be read to him, and a copy or translation of it shall be furnished to him if he require it. He shall be at liberty, at any time within forty-eight hours after the reading of the charge, to give in, orally or in writing, a list of witnesses whom he may wish to be summoned to give evidence on his trial before the Court of Session. The Magistrate shall receive the list, and summon the witnesses to appear before the Court before which the accused is to be tried. The provisions of Sections 126 and 127, so far as they relate to the compulsory attendance of witnesses, shall be applicable to witnesses named by the accused in the lists above mentioned.

160. When the preliminary enquiry is concluded, the accused person shall be entitled to copies of the depositions made at his own expense, if he demands them at a reasonable time before the trial.

161. When the accused person is committed to take his trial before the Court of Session, the Magistrate shall issue an order to the Government Pleader or other Officer appointed by the Government to conduct trials before the Court of Session, notifying such commitment and stating the offence in the same form as the charge. Nothing in this Section shall preclude the Magistrate (if he shall think fit) from appointing a person other than such Government Pleader or Officer to conduct a trial.

162. Prosecutors and witnesses for the prosecution whose attendance may be necessary before the Court of Session shall execute recognizances before the Magistrate to be in attendance when called upon at the Court of Session, to prosecute or to give evidence as the case may be. If any prosecutor or witness shall refuse to attend before the Court of Session or to execute the recognizance above directed, it shall be competent to the Magistrate to detain such prosecutor or witness in custody until he shall execute such recognizance, or until the time when his attendance at the Court of Session is required, when the Magistrate shall forward such prosecutor or witness under custody to the Court of Session.

CHAPTER XII.

ON THE CHARGE.

163. When the Magistrate has determined to send the accused person before the Court of Session for trial, or put him on his trial before himself for any offence punishable under the Penal Code with imprisonment for a period exceeding six months, he shall make a written instrument under his hand and seal, declaring with what offence the accused is charged, and within the cognizance of what Court the offence is, and shall direct the accused to be tried by such Court on such charge. In all cases sent for trial to the Court of Session the Magistrate shall send a copy of this instrument, with the proceedings, to the public prosecutor, where such Officer has been appointed, otherwise to the Court before which the defendant is to be tried. In the latter case the Magistrate shall also send a copy of the charge to the Government Pleader or other Officer or person appointed to conduct the prosecution.

164. The charge shall describe the imputed offence as nearly as possible in the language of the Penal Code, and shall refer to the Chapter and Section under which such offence is punishable.

165. It shall not be necessary to allege in the charge any circumstances for the purpose of showing that the case does not come, nor shall it be necessary to allege that the case does not come, within any of the General Exceptions contained in Chapter IV of the Penal Code, but every charge shall be understood to assume the absence of all such circumstances.

166. It shall not be necessary at the trial, on the part of the prosecutor, to prove the absence of such circumstances in the first instance; but the accused person shall be entitled to give



evidence of the existence of any such circumstances and evidence in disproof thereof may be given on the part of the prosecutor.

167. Where the Chapter and Section itself referred to in the charge contains an exception, not being one of such General Exceptions, the charge shall not be understood to assume the absence of circumstances constituting such exception so contained in the Chapter and Section, without a distinct denial of the existence of such circumstances.

Charge may contain one or more heads. 168. The charge may contain one or more heads.

*Charges containing One Head.*

169. Where a charge contains one head only, the form shall be as follows, or to the same effect :

*Forms of Charge.*

(a). I A [name and office of Magistrate, &c.,] declare that there is hereby made against Z the charge :

(b). That he, on or about the day of at , waged war against the Government, and that he has thereby committed an offence punishable under Section 1 Chapter VI of the Penal Code, (c) and within the cognizance of the [style of the Court.]

(d). And I hereby direct that Z be tried by the said Court on the said charge.

[Signature and seal of the Magistrate.]

Where the Magistrate tries the case, there must be substituted for (c) the words " within my cognizance : " and the words " by the said Court " in (d) may be omitted,

To be substituted for (b) ,

(2). That he, on or about the day of at , with the intention of inducing the Honorable A. B. a Member of the Council of the Governor General of India to refrain from exercising a lawful power as such Member, assaulted such Member, and that he has thereby committed an offence punishable under Section 3 Chapter VI of the Penal Code.

(3). That he on or about the day of at , committed the offence of rioting by being present at , and that he has thereby committed an offence punishable under Section 7 Chapter VIII of the Penal Code, and within the cognizance of the [style of the Court.]

(4). That he, being a public servant in the Department, directly accepted from [state the name] for another party [state the name] a gratification, other than legal remuneration, as a motive for his, the said Z's, forbearing to do an official act, and that he has thereby committed an offence punishable under Section 1 Chapter IX of the Penal Code, and within the cognizance of the [style of the Court.]

(5). That he, on or about the day of at , committed culpable homicide not amounting to murder, causing the death of and that

he has thereby committed an offence punishable under Section 6 Chapter XVI of the Penal Code and within the cognizance of the [style of the Court.]

(6). That he, on or about the day of at , abetted the commission of suicide by A. B. a person in a state of intoxication, and that he has thereby committed an offence punishable under Section 8 Chapter XVI of the Penal Code, and within the cognizance of the [style of the Court.]

(7). That he, on or about the day of at , voluntarily caused grievous hurt to and that he has thereby committed an offence punishable under Section 27 Chapter XVI of the Penal Code, and within the cognizance of the [style of the Court.]

(8). That he, on or about the day of at , committed robbery, and that he has thereby committed an offence punishable under Section 14 Chapter XVII of the Penal Code, and within the cognizance of the [style of the Court.]

(9). That he, on or about the day of at , committed dacoity, and that he has thereby committed an offence punishable under Section 17 Chapter XVII of the Penal Code, and within the cognizance of the [style of the Court.]

(10). That he, on or about the day of at , committed lurking house-trespass by night in the house of , and that he has thereby committed an offence punishable under Section 80 Chapter XVII of the Penal Code, and within the cognizance of the [style of the Court.]

And the same form shall be followed, as nearly as may be, in charges with one head only, upon other Sections of the Penal Code.

*Charges containing Two or more Heads.*

170. When it appears to the Magistrate that the facts which can be established in evidence show a case falling within two or more Sections of the Penal Code, the charge shall contain two or more heads, each of which shall be applicable to one of such Sections.

171. When it appears to the Magistrate that the facts which can be established in evidence show the commission of two or more offences punishable under the same Section of the Penal Code, the charge shall contain two or more heads charging such offences respectively.

172. When it appears to the Magistrate that the facts which can be established in evidence show a case within some one of two or more Sections of the Penal Code; but it is doubtful which of such Sections will be applicable, or show the commission of one of two or more offences punishable under the same Section of the Penal Code,

but it is doubtful which of such offences will be proved to have been committed, the charge shall contain two or more heads, framed respectively on each of such Sections or charging respectively each of such offences accordingly.

173. When a charge contains more heads than one, the form shall be as follows, or to the same effect:

Form of charge of more than one head.

#### Forms of charge.

I, A [name and office of Magistrate, &c.,] declare that there is hereby made against Z the charge:

*First:* That he, on or about the day of at , knowing a coin to be counterfeit, delivered the same to another person by name A. B. as genuine, and that he has thereby committed an offence punishable under Section 13 Chapter XII of the Penal Code, and within the cognizance of the [style of the Court.]

*Secondly:* That he, on or about the day of at , knowing a coin to be counterfeit, attempted to induce another person by name A. B. to receive it as genuine, and that he has thereby committed an offence punishable under Section 13 Chapter XII of the Penal Code, and within the cognizance of the [style of the Court.]

*Thirdly.*—That he has been in possession of counterfeit coin, having known at the time how he became possessed thereof that such coin was counterfeit, and has thereby committed an offence as punishable under Section 14 Chapter XII of the Penal Code, and within the cognizance of the [style of the Court.]

And I hereby direct that Z be tried by the said Court on the said charge.

[Signature and seal of the Magistrate, &c.,]

*First:* That he, on or about the day of at , committed murder by causing the death of , and that he has thereby committed an offence punishable under Section 4 Chapter XVI of the Penal Code, and within the cognizance of the [style of the Court.]

*Secondly:* That he, on or about the day of at , by causing the death of , committed culpable homicide, and that he thereby committed an offence punishable under Section 6 Chapter XVI of the Penal Code, and within the cognizance of the [style of the Court.]

*First:* That he, on or about the day of at , committed theft, and that he has thereby committed an offence punishable under Section 2 Chapter XVII of the Penal Code, and within the cognizance of the [style of the Court.]

*Secondly:* That he, on or about the day of at , committed theft, having made preparation for causing death to a person in order to the committing of such theft, and that he has thereby committed an offence punishable under Section 4 Chapter XVII of the Penal Code, and within the cognizance of the [style of the Court.]

*Thirdly:* That he, on or about the day of at , committed theft, having made preparation for causing restraint to a person in order to the effecting of his escape after the committing of such theft, and that he has thereby committed an offence punishable under Section 4 Chapter XVII of

the Penal Code, and within the cognizance of the [style of the Court.]

*Fourthly:* That he, on or about the day of at , committed theft, having made preparation for causing fear of hurt to a person in order to the retaining of property taken by such theft, and that he has thereby committed an offence punishable under Section 4 Chapter XVII of the Penal Code, and within the cognizance of the [style of the Court.]

*First:* That he, on or about the day of at , committed theft, and that he has thereby committed an offence punishable under Section 2 Chapter XVII of the Penal Code and within the cognizance of the [style of the Court.]

*Secondly:* That he, on or about the day of at , committed criminal breach of trust, and that he has thereby committed an offence punishable under Section 28 Chapter XVII of the Penal Code, and within the cognizance of the [style of the Court.]

And the same shall be followed, as nearly as may be, in charges with more heads than one, upon other Sections of the Penal Code.

174. It shall be competent to the Court, at any stage of a trial, to amend or alter the charge.

175. If the amendment or alteration is such that proceeding immediately with the trial is not likely, in the opinion of the Court, to prejudice the accused person in his defence, it shall be at the discretion of the Court, after making the amendment or alteration, to proceed with the trial as if the amended charge had been the original charge.

176. If the amendment or alteration is such that proceeding immediately with the trial is likely, in the opinion of the Court, to prejudice the accused person in his defence, the Court may either direct a new trial, or suspend the trial for such period as may be necessary to enable him to make his defence to the amended or altered charge; and after hearing his defence, may further adjourn the trial to admit of the appearance of any witnesses whose evidence the Court may consider to be material to the case, or whom the accused person may wish to be summoned in his defence. If after the reading of the amended or altered charge to the accused person no postponement is considered necessary by the Court, the Court may at once proceed with the trial.

177. In all cases of amendment or alteration of a charge, the accused person shall be allowed to recall and cross-examine any witness that may have been examined for the prosecution.

### CHAPTER XIII.

#### OF OFFENCES TRIABLE BY THE MAGISTRATE.

When a Warrant or Complaint may issue against the accused person.

178. In all cases where a complaint shall be made before a Magistrate having jurisdiction in the case that any person has committed, or is suspected to have committed,

Cases in which Magistrate may issue a warrant.

any offence triable by such Magistrate, and which is punishable under the Penal Code with imprisonment for a period exceeding six months, it shall be lawful for such Magistrate to issue his warrant to apprehend such person; provided always that in all cases it shall be lawful for the

Magistrate to whom such complaint shall be made, if he shall so think fit, instead of issuing in the first instance his warrant to apprehend the person so complained against, to issue his summons requiring him to appear to answer to such complaint.

179. The provisions of Chapter XI relating to the issuing of process for causing the attendance of the accused, the summoning and enforcing the attendance of witnesses, the examination of parties and evidence (except the provision relating to evidence in behalf of the accused in Section 140), the taking of bail, the warrant of commitment, the adjournment of a case, and the discharge of the person accused, shall be applicable to cases described in the last preceding Section.

180. When the evidence of the complainant and of the witnesses for the prosecution, and such examination of the accused person as the Magistrate may consider necessary, have been taken, if the Magistrate finds that no offence has been proved against the accused, he shall discharge him. If he finds that an offence is apparently proved against the accused which falls within the definition in a certain Chapter and Section of the Penal Code, or within one or other of the definitions in several Chapters or Sections of the Code, he shall prepare in writing a charge against the accused in the manner prescribed in Chapter XII of this Act.

181. The charge shall then be read to the accused person, and unless the case is one which in the opinion of the Magistrate ought to be tried by the Court of Session, he shall be asked whether he be guilty or not guilty of the offence charged.

182. If the defendant plead "not guilty" to the charge or refuse to plead, he shall be called upon to enter upon his defence and produce his witnesses if in attendance, and shall be allowed to recall and cross-examine the witnesses for the prosecution.

183. The Magistrate shall summon any witness and examine any evidence, that may be offered in behalf of the accused, to answer or disprove the evidence against him, and may, for this purpose, at his discretion, adjourn the trial to such future time as may be necessary, and so from time to time.

184. The provisions of Sections 126, 127, 130, and 133 shall be applicable to witnesses named in support of the defence.

185. If the accused is convicted, the Magistrate shall pass sentence upon him according to law.

186. In any trial before a Magistrate, wherein it may appear, at any stage of the proceedings, that from any cause the case is one which the Magistrate is not competent to try, the Magistrate shall stop further proceedings under this Chapter, and shall proceed in

accordance with the rules of Chapter XI for conducting preliminary investigations in cases triable by the Court of Session.

*When a Summons or Complaint shall issue to the Defendant.*

187. In all cases where a complaint shall be made before a Magistrate, having jurisdiction in the case, that any person has committed or is suspected to have committed any offence other than the offences provided for in Section 178, for which he is liable, upon a summary conviction for the same before a Magistrate, to be imprisoned or fined, or otherwise punished, it shall be lawful for such Magistrate to issue his summons directed to such person, stating shortly the matter of such complaint, and requiring him to appear at a certain time and place before such Magistrate, to answer to the said complaint; provided that, if the Magistrate shall be satisfied by evidence before him that the accused is about to abscond, then, instead of issuing such summons, it shall be lawful for him to issue his warrant in the first instance for the arrest of the accused.

188. The provisions of Section 123 shall be applicable in respect of warrants issued under the provisions of this Chapter.

189. It shall be competent to the Magistrate, before issuing a summons to the accused party, to examine the complainant as to the specific facts of the case; and if upon such examination it shall appear to the Magistrate that there is no sufficient ground for summoning the accused, he may refuse the summons.

190. If the person served with a summons shall not appear before the Magistrate at the time and place mentioned in such summons, and it shall be made to appear to the Magistrate that such summons was so served in what shall be deemed by the Magistrate to be a reasonable time before the time therein appointed for appearing to the same, or if it shall appear to the Magistrate that after due diligence the summons could not be served on the accused person or on any adult male member of his family, the Magistrate may, upon declaration being made before him substantiating the matter of such complaint to his satisfaction, issue his warrant to apprehend the person so summoned, and to bring such person before him to answer to the said complaint.

191. The Magistrate may, if he sees sufficient cause, dispense with the personal attendance of the party complained against, and permit him to appear by an agent duly authorized to act in his behalf. Provided that it shall be at the discretion of the Magistrate, at any stage of the proceedings, to direct the personal attendance of such party.

*Summoning Sec. of Witnesses.*

192. If it shall be made to appear to the Magistrate that any person is likely to give material evidence in behalf of the complainant or the accused person in any such

Summons to witness to attend and give evidence.

case as is described in Section 187, and will not voluntarily appear for the purpose of being examined as a witness at the time and place appointed for the hearing of such complaint, such Magistrate shall issue his summons to such person under his hand and seal, requiring him to appear at a time and place mentioned in the summons, before the said Magistrate, to testify what he knows concerning the matter of the said complaint.

193. It shall be lawful for the Magistrate to direct that, before any process is issued for the attendance of witnesses in any such case as is referred to in the last preceding Section, the person preferring the charge shall deposit in the hands of the proper Officer a sufficient sum for the maintenance of the witnesses who may be summoned on his application, during their attendance at the Magistrate's Court, and the Magistrate shall regulate the amount of diet money so required, with reference to the probable period such witnesses may have to be in attendance, and in the event of the prolonged detention of witnesses, shall direct the deposit of any further sum which to the said Magistrate may seem requisite.

194. It shall be at the discretion of the Magistrate, at any stage of the trial, to summon and examine any witnesses whose evidence he may consider essential to the just decision of the case.

195. The provisions of Sections 126, 127, and 130 shall be applicable to witnesses summoned according to the provisions of Sections 192 and 194.

#### Bail.

196. If upon the day and at the place appointed, the accused person shall attend voluntarily in obedience to the summons in that behalf served upon him, or shall be brought before the Magistrate by virtue of any warrant, it shall be at the discretion of the Magistrate to admit the accused person to bail, or allow him to be at large upon his personal recognizance. If he cannot give bail, when required to do so, he shall be committed to custody.

197. If upon the day appointed for the appearance of the accused or any day subsequent thereto, on which the case may be called on, the complainant does not appear, the Magistrate shall dismiss the complaint; unless for some reason he shall think proper to adjourn the hearing of the same unto some other day, upon such terms as he shall think fit.

198. On the appearance of both parties for the hearing of the case, the substance of the complaint shall be stated to the accused person and he shall be asked if he have any cause to show why he should not be convicted; and if he thereupon admit the truth of such complaint, and show no cause, or no sufficient cause, why he should not be convicted, then the Magistrate may convict him accordingly.

199. If the accused do not admit the truth of the complaint, then the Magistrate shall proceed to hear the complainant, and such witnesses as he may produce in support of his complaint, and also to hear the accused and such witnesses as he may produce in his defence; and having heard the parties and their witnesses, shall consider the whole matter and determine the same, and shall convict the accused person or dismiss the complaint, as the case may be.

200. The evidence of each witness shall be taken down in writing in the language in ordinary use in proceedings before the Court by or in the presence and hearing and under the personal direction and superintendence of the Magistrate, not ordinarily in the form of question and answer, but in that of a narrative, and when completed shall be read over to the witness in the presence of the person accused if in attendance, and shall, if necessary, be corrected and shall be signed by the Magistrate. If the evidence be taken down in a different language from that in which it has been given, and the witness does not understand the language in which it is taken down, the witness may require his deposition as taken down in writing to be interpreted to him in the language in which it was given. When the evidence of a witness is given in English the Magistrate may so take it down in his own hand. It shall be in the discretion of the Magistrate to take down or cause to be taken down, any particular question and answer, if there shall appear any special reason for so doing, or any person who is a prosecutor or a person accused shall require it. The Magistrate shall record such remark as he may think material respecting the demeanour of any witness whilst under examination. In cases in which the evidence is not taken down in writing by the Magistrate himself, he shall be bound, as the examination of each witness proceeds, to make a memorandum of the substance of what such witness deposes, and such memorandum shall be written and signed by the Magistrate with his own hand, and shall form part of the record. If the Magistrate shall be prevented from making a memorandum as above required, he shall record the reason of his inability to do so.

201. It shall be competent to the Magistrate in any such case as is described in Section 187, instead of taking down in writing at length the evidence of each witness, to make a memorandum of the substance thereof as the examination of the witness proceeds. The memorandum shall be written and signed by the Magistrate with his own hand and shall form part of the record. If the Magistrate shall be prevented from making a memorandum as above required he shall record the reason of his inability to do so, and shall cause such memorandum to be made in writing from his dictation in open Court, and shall sign the same, and such memorandum shall form part of the record.

202. Before or during the hearing of any complaint, it shall be lawful for the Magistrate to adjourn the hearing of the same to a future day, to be then appointed and stated in the presence and hearing



of the party or parties; and if on the day to which such hearing or such further hearing shall be so adjourned, the accused person shall not appear, the Magistrate may issue his warrant for the arrest of such person, and if the complainant shall not appear, the Magistrate may dismiss such complaint.

203. If the accused person is convicted, the Magistrate shall pass sentence upon him according to law.

204. In all cases of summary conviction of offences of the nature described in Section 187, it shall be lawful for the Magistrate making the same, in his discretion, to award that the accused person shall pay to the complainant such costs as to such Magistrate shall seem just and reasonable; and in cases where such Magistrate, instead of convicting as aforesaid, shall dismiss the complaint, it shall be lawful for him, in his discretion, in and by his order of dismissal, to award and order that the complainant shall pay to the accused person such costs as to such Magistrate shall seem just and reasonable; and the sums so allowed for costs shall always be specified in such conviction, or order of dismissal aforesaid, and shall be recoverable by distress and sale of the goods and chattels of the party, and, in default of such distress, by imprisonment, without labor, in the Civil jail for any time not exceeding thirty days unless such costs shall be sooner paid.

#### CHAPTER XIV.

##### OF ENQUIRIES AND TRIALS BEFORE THE SUBORDINATE CRIMINAL COURTS.

205. Criminal cases shall be brought before the Subordinate Criminal Courts by reference by the Magistrate. It shall, however, be at the discretion of the Government, respect being had to the public convenience, to authorize a Subordinate Criminal Court also to receive such cases on complaint preferred directly to such Court, or on the report of a Police Officer.

206. Whenever a Criminal case is referred by a Magistrate to a Subordinate Criminal Court, the order of reference, if the case have been transmitted by a Police Officer, shall be recorded on such Officer's report, and if the complaint have been preferred direct to the Magistrate, the process for causing the attendance of the accused shall be made returnable to the Court to which the case is preferred, and the witness shall be directed by the summons to attend at such Court.

207. In the trial of Criminal cases, whether brought before them on reference by the Magistrate, or directly by complaint preferred to themselves, or by the report of a Police Officer, the Subordinate Criminal Courts shall be guided by the rules prescribed for the guidance of the Magistrate in similar cases, and Police Officers and others shall be bound to obey all orders and processes issued in such cases by a Subordinate Criminal Court in like manner as if they had been issued by the Magistrate.

208. In every case before a Subordinate Criminal Court, wherein the Court, at any stage of the proceedings, may be of opinion that the evidence is such as to warrant a presumption that the defendant has been guilty of an offence calling for a more severe punishment than the Court is authorized to adjudge, it shall not proceed with the trial but shall submit its proceedings to the Magistrate, who shall either try the case himself, or refer it to any other Subordinate Criminal Court having jurisdiction. In either case the Court which gives judgment in the trial shall examine the parties as if no proceedings had been held in any other Court, and may, if it think necessary, recall any witnesses who have already given evidence.

209. Provided that nothing in the last preceding Section shall be held to interfere with the exercise of power specially conferred upon a Subordinate Criminal Court, in regard to committing or holding to bail persons charged with Criminal offences to take their trial before the Courts of Session.

#### CHAPTER XV.

##### PLACE WHERE PRELIMINARY INVESTIGATIONS AND TRIALS HELD, AN OPEN COURT.

210. The room or place in which the Court of a Magistrate, or any Subordinate Criminal Court, shall be held for the trial of any complaint or for the purpose of conducting any preliminary investigation into any case triable by a Court of Session, shall be deemed an open and public Court, to which the public generally may have access, so far as the same can conveniently contain them; but it shall be lawful for any such Court, if it shall think fit, to order that during the investigation into any particular case triable by a Court of Session no person shall have access to, or be, or remain in such room or building without the consent or permission of the Court.

#### CHAPTER XVI.

##### OF RECOGNIZANCE AND SECURITY TO KEEP THE PEACE.

211. Whenever a person charged with rioting, assault, or other violent breach of the peace, or with abetting the same, or with assembling armed men or taking other unlawful measures with the evident intention of committing the same, shall be convicted of such charge before any Criminal Court by which the offence may be cognizable; and the Court by which a final sentence or order in the case may be passed, shall be of opinion that it is just and necessary to require a penal recognizance for keeping the peace from the person so convicted; it shall be lawful to the Court passing the final sentence or order, in addition thereto, to direct that the person so convicted be required to execute a formal engagement in a sum proportionate to his condition in life and the circumstances of the case, for

keeping the peace during such period as it may appear proper to fix in each instance, not exceeding one year if the sentence or order be passed by a Magistrate or other Officer exercising the powers of a Magistrate, or three years if the sentence or final order be passed by the Sudder Court, or by a Court of Session.

212. In cases wherein it may appear necessary to require security for keeping the peace in addition to the personal recognizance of the party so convicted, it shall also be lawful to the Court passing the final sentence or order, to require the same, and to fix the amount of the security bond to be executed by the surety or sureties; with a provision that if the same be not given the party required to find the security shall be kept in custody for any time not exceeding one year if the order be passed by a Magistrate or other Officer exercising the powers of a Magistrate, or three years if the order be passed by the Sudder Court or by a Court of Session.

213. It shall be lawful for a Magistrate, whenever he shall receive credible information that any person, whether a European British subject or not, is likely to commit a breach of the peace or to do any act that may probably occasion a breach of the peace, to summon such person to attend at a time and place mentioned in the summons to show cause why he should not enter into a bond to keep the peace.

214. The summons shall set forth the substance of the information, the amount of the bond and the term for which it is to be in force, and if security is called for, the number of securities required and the amount in which they are to be bound respectively.

215. The penalty of such bond, which shall be in the form (D) given in the Appendix or to the like effect, shall be fixed with a due regard to the circumstances of the case and the means of the party, and the amount in which the sureties shall be bound shall not exceed the said penalty.

216. If the person summoned shall not attend on the day appointed, the Magistrate, if satisfied that the summons has been served by delivery thereof to him or to an adult male member of his family, may issue a warrant for his arrest. Provided always that, whenever it shall appear to a Magistrate upon the report of a Police Officer or upon other credible information, the substance of which report or information shall be recorded, that there is just reason to fear the commission of a breach of the peace, which may probably be prevented by the immediate arrest of any person, it shall be lawful for the Magistrate at any time to issue a warrant for the arrest of such person.

217. A Magistrate may, if he sees sufficient cause, dispense with the personal attendance of the party informed against and permit him to appear and enter into the required bond or show cause against such requisition by an agent duly authorized to act in his behalf.

218. If on the appearance of the party informed against in person or by an authorized agent, the Magistrate shall not be satisfied that there is occasion to bind such party to keep the peace, he shall discharge him.

219. If the Magistrate shall be satisfied that it is necessary for the preservation of the peace to take a bond from such party with or without security, he shall make an order accordingly; and if the party shall fail to comply with the order, it shall be lawful for the Magistrate to commit him to jail.

220. The period for which a Magistrate may bind a person to keep the peace with or without security, shall not exceed one year, and when a person shall be committed to jail under the last preceding Section, he shall not be detained by authority of the Magistrate beyond the term of one year, and shall be released whenever he shall comply with the order within that term.

221. Provided that, whenever it shall appear to a Magistrate that it is necessary for the preservation of the peace to bind a person beyond the term of one year, he may, before the expiration of the first year, record his opinion to that effect and the grounds thereof, and may refer the case for the orders of the Court of Session, and the Court, after examining the proceedings of the Magistrate and making such further enquiry that he may think necessary, may, if he shall see cause, authorize the Magistrate to extend the term for a further period not exceeding one year, and if the party shall fail to give a bond, with security if required, for his keeping the peace for such further period as the Magistrate shall direct under the orders of the Court of Session, he may be kept in confinement for such further period or until he shall give such bond within that period.

222. A Magistrate may, if he shall see sufficient cause, discharge any recognizances and securities for keeping the peace taken under the preceding Sections, and may order the release of persons confined for default in entering into such recognizances or giving such securities.

223. The sureties for the personal appearance of the defendant may at any time apply to the Magistrate to be relieved from their engagements as sureties; whereupon the Magistrate shall issue his warrant directing that the defendant be brought before him. On the appearance of the defendant to such warrant or on his voluntary surrender, the Magistrate shall direct the engagement of the sureties to be cancelled and shall call upon the defendant to give fresh security, and in default thereof shall commit him to custody.

224. Whenever it may be proved before the Magistrate that any such bond has been forfeited, he shall proceed to enforce the penalty of the bond by the attachment and sale of any of the property of the party bound thereby, and if the penalty be not paid and cannot be recovered by such attachment and sale, the party shall be liable to imprisonment by order



of the Magistrate in the Civil jail of the station, for a period not exceeding six months.

225. Whenever it may be proved before the Magistrate that any such bond has been forfeited, if security shall have been taken, the Magistrate at his discretion may give notice to the surety or sureties to pay the penalty to which they have thereby become liable, or to show cause why it should not be paid; and if no sufficient cause be shown, the Magistrate may proceed to recover the penalty from such surety or sureties in the same manner as from the principal party.

## CHAPTER XVII.

### SECURITY FOR GOOD BEHAVIOUR.

226. Whenever it shall appear to a Magistrate that any person is lurking within his jurisdiction not having any ostensible means of subsistence, or who cannot give a satisfactory account of himself, it shall be competent to the Magistrate to require security for the good behaviour of such person for a definite period not exceeding six months.

227. Whenever it shall appear to a Magistrate, from the evidence to general character adduced before him, that any person is by repute a robber, house-breaker, or thief, or a receiver of stolen property knowing the same to have been stolen, or of notoriously bad livelihood, it shall be competent to the Magistrate to require security for the good behaviour of such person for a definite period not exceeding one year.

228. Whenever it shall appear to a Magistrate, from the evidence to general character adduced before him, that any person is by habit a robber, house-breaker, or thief, or a receiver of stolen property knowing the same to have been stolen, of a character so desperate and dangerous as to render his release, without security, at the expiration of the limited period of one year, hazardous to the community, the Magistrate shall record his opinion to this effect, with an order specifying the amount of security which should, in his judgment, be required from such person, as well as the number of sureties, and the period, not exceeding three years, for which the sureties should be responsible for such person's good behaviour.

229. If the person required to furnish security, as provided in the last preceding Section, shall not furnish the security so required, the proceedings shall be laid, as soon as conveniently may be, before the Court of Session, which, after examining them, and requiring any further information or evidence which it may judge necessary, shall be competent to pass orders on the case, either confirming, modifying, or annulling the orders of the Magistrate, as it may judge proper.

230. In all such cases, if the Court of Session shall not think it safe to direct the immediate discharge of such person, it shall fix a limited period for his detention, not exceeding three years, in the

event of his not giving the security required from him.

231. In every instance in which security for good behaviour may be required by the Court of Session or the Magistrate, the amount of the security, the number of sureties, and the period of time for which the sureties are to be responsible for the good conduct of the person required to furnish security, shall be stated.

232. In the event of any person required to give security under the provisions of the foregoing Sections failing to furnish the security so required, he shall be committed to prison until he furnish the same; provided always that no party shall be kept in prison for a longer period than that for which the security has been required from him.

233. The Magistrates are empowered, at all times, to exercise their discretion in releasing, without reference to any other authority, prisoners confined under requisition of security for good behaviour, whether by their own orders or by those of any other person discharging the functions of a Magistrate; provided the Magistrates shall, from whatever cause, be of opinion that such prisoners can be released without hazard to the community.

234. In cases in which a Magistrate may, for whatever reason, be of opinion that any prisoner confined under requisition of security for good behaviour, by order of a Court of Session, can be safely released without such security, the Magistrate shall make an immediate report of the case, with his sentiments, for the orders of the Court which shall have required the prisoner to furnish security previously to his release.

235. The sureties for the good behaviour of a party may at any time apply to the Magistrate to be relieved from their engagements as sureties; whereupon the Magistrate shall issue his warrant directing the party to be brought before him. On the appearance of the party pursuant to the warrant or on his voluntary surrender, the Magistrate shall direct the engagements of the sureties to be cancelled, and shall call upon the party to give fresh security, and in default thereof shall commit him to custody.

236. Whenever the Magistrate shall be of opinion that, by reason of an offence proved to have been committed by the person for whose good behaviour security has been given, proceedings should be had upon the bond executed by the surety or sureties, he shall give notice to the surety or sureties to pay the penalty, or to show cause why it should not be paid; and if no sufficient cause be shown, the Magistrate shall proceed to recover the penalty from such surety or sureties by the attachment and sale of any of his or their property, and if the penalty be not paid, and cannot be recovered by such attachment and sale, such surety or sureties shall be liable to imprisonment by order of the Magistrate, in the Civil jail of the station, for a period not exceeding six months.

237. The several provisions of the last preceding Chapter relating to the issue of summons and warrant of arrest. the personal attendance of the party informed against, shall apply to proceedings taken under this Chapter against persons required to give security for their good behaviour.

### CHAPTER XVIII. JURIES.

238. Criminal trials before the Court of Session shall be by Jury.

239. In trials before the Court of Session in which a European not being a British subject, or an American, or an East Indian, or an Armenian, is the accused person or one of the persons accused, one-half at least of the

Jury shall consist, if the accused desire it, of persons (qualified to serve on Juries) of his own race or class, if practicable; or if that be not practicable, of Europeans, Americans, East Indians, or Armenians so qualified.

240. In trials before the Court of Session in which a person not belonging to any of the races or classes specified in the last preceding Section shall be tried either alone or jointly with any person belonging to any of the said races or classes, one-half of the Jury, if the accused person who does not belong to any such race or class desire it, shall consist of persons not belonging to any of the said races or classes.

241. In trials by Jury before the Court of Session the Jury shall consist of such number of persons, not being less than four, as the Court shall direct.

242. If the Jury are unanimous in a verdict of guilty, or if a majority of the Jury find a verdict of guilty and the Court concur in such finding, the accused shall be convicted. If the Jury be equally divided in opinion, the Court shall decide whether the accused shall be convicted or acquitted. In all other case the accused shall be acquitted.

243. All persons resident within the limits of the jurisdiction of the Court of Session shall, according to such rules, and subject to such qualifications as shall be fixed in manner hereinafter mentioned, be deemed capable of serving as Jurors and shall be liable to be summoned accordingly.

244. All residents within the district between the ages of twenty-five and fifty-five years are qualified and liable to serve on Juries in Criminal trials before the Court of Session, except such persons as are hereinafter excepted.

245. The following persons are incapable of serving on Juries in Criminal trials before the Court of Session, namely:—

Persons who hold any Office in, or under the said Court, or receive any pay or emolument for any employment under any Officer thereof.

Persons executing any duties of Police or entrusted with any Police functions.

Persons who have been convicted of any offence against the State or of any fraudulent or infamous offence.

Persons who are afflicted with any infirmity of body or mind, sufficient to incapacitate them from serving.

Persons who, by habit or religious vows, have relinquished all care of worldly affairs.

Persons who are unable to understand the language in which the trial is conducted.

246. The following persons are exempt from the liability to serve on Juries, namely

Judges and other Judicial Officers.

Commissioners and Collectors of Revenue.

Chaplains and others employed in Religious Offices.

All persons in the Military service.

Surgeons and others who openly and constantly practice in the profession of physic.

Persons employed in the Post Office and Electric Telegraph Departments.

Brahmins Moollahs and others actually officiating as Priests in their respective religions.

Persons exempted by Government from personal appearance in Court under the provisions of Section 22 of Act VIII of 1859 (*for simplifying the Procedure of the Courts of Civil Judicature not established by Royal Charter*).

The exemption from service given by this Section is a right of which each person exempted is not bound to avail himself of his right of exemption. Nothing herein contained shall be construed to disqualify any such person if he shall be willing to serve on Juries.

247. In the month of \_\_\_\_\_ in every year the Collector shall prepare and make out in alphabetical order a list of persons residing within fifteen miles from the place where Criminal trials before the Court of Session are held, or within such other distance as the local Government may think fit to direct, who are, in the judgment of the Collector, the best qualified from their education and character to serve as Jurors. The list shall contain the name, place of abode, and quality or business of every such person; and if the person belongs to any of the races or classes specified in Section 239, the list shall mention the race or class to which he belongs.

248. Copies of such list shall be stuck up in the Office of the Collector and in the Court-house of the Magistrate and of the Judge, and in some conspicuous place or places in the town or station where or in the vicinity of which the persons named in the list reside, and every such copy shall have subjoined to it a notice, stating that objections to the list will be heard and determined

by the Collector at a time and place to be mentioned in the notice.

249. The Collector shall, at the time and place mentioned in the notice, revise the list, striking out the names of persons not qualified in his judgment to serve as Jurors, and inserting in the list the names of persons omitted therefrom, whom he deems qualified for such service. A copy of the revised list shall be signed by the Collector and transmitted to the Court of Session.

250. The Court of Session shall, three days at the least before the time fixed for the holding of Sessions, cause as many persons named in the said revised list as seem to the Court to be needed for Jury trials at the said Sessions to be summoned; provided that the Court shall in no case cause a less number than eight persons to be so summoned. The names of the persons to be summoned shall be drawn by lot in open Court, excluding those on the revised list who have served within six months unless when the number cannot be made up without them.

251. Every summons to a Juror shall be in writing and shall require his attendance as a Juror at a time and place to be specified in the notice. The summons or a copy thereof shall be served, through the Court's own Officers or the Officers of the Magistrate of the district in which the Juror resides, on the Juror personally if he can be found at his usual place of abode. If he be absent from his usual place of abode, it may be left for him there with some male member of his family residing with him.

252. The Court of Session may direct Jurors to be summoned at other periods than the period specified in Section 250 where the business of the Court renders the attendance of one set of Jurors for a whole Session too oppressive.

253. The Court of Session may excuse any Juror from attendance for reasonable cause.

254. At each Session the Court shall cause to be made a minute of the names of those who serve as Jurors at such Sessions. The minute shall be kept with the revised list and a reference thereto shall be made in such list in the margin of the entry of those names in the list which are also mentioned in the said minute.

255. Whenever any Jury trial is to be had, the persons (not being less than four in number) who are to constitute the Jury shall be chosen by lot immediately before the commencement of the trial from those Jurors who attend in obedience to the summons.

256. Before the commencement of the trial (the accused person being present) the names of the Jurors shall be called aloud, and upon the appearance of each Juror the accused person shall be asked if he objects to be tried by such

Juror. Any objection made to a Juror shall be decided by the Court. If an objection be allowed, the place of such Juror shall be supplied by any other Juror in attendance in obedience to his summons or by any person mentioned in the said list of Jurors who may be in attendance, provided no objection to such Juror be made and allowed.

257. Either the Government Pleader (or other person appointed by the Government to conduct trials before the Court of Session), or the accused person, may object to any of the persons chosen to be of the Jury, stating the ground of his objection.

258. The following shall be deemed to be sufficient grounds of objection:—

(1.) Any ground of disqualification within Section 245.

(2.) Relationship to the person alleged to be injured or attempted to be injured by the offence charged, or to the person on whose complaint the prosecution was instituted, or to the defendant.

(3.) Standing in the relation of husband, master or servant, landlord or tenant, being in the employment on wages of one of the parties, or plaintiff or defendant against him in any civil suit, or having complained against him, or being accused by him in any Criminal prosecution.

(4.) If the accused person can prove to the satisfaction of the Court any circumstance that shows either prejudice against him or favor to his accuser, such circumstance shall be a sufficient ground of objection to the Juror.

259. The Jury shall appoint one of their number to be foreman; whose duty it shall be to preside in their debates, to deliver the verdict, or ask any information from the Court that may be required by the Jury. If a majority do not agree in the appointment of a foreman, he shall be named by the Court.

260. The same Jury may, if not objected to, try as many accused persons successively as to the Court shall seem expedient.

261. Whenever in the opinion of the Court it may be deemed proper and convenient that the Jury should have a view of the place in which the offence is said to have been committed or of any other place in which any other transaction material to the enquiry on the trial took place, an order shall be made to that effect, and the Jury shall be conducted in a body under the care of an Officer of the Court to the place which shall be shown to them by a person appointed by the Court, and it shall be the duty of the Officer to suffer no other person to speak to the Jury, and they shall, when the view is finished, be immediately conducted into Court.

262. Whenever any Jury trial is to be had in which the accused person or one of the persons accused is entitled to a Jury constituted under the provisions of Section 239, the Court of Session shall, three days at the least

before the day fixed for holding such trial, cause not less than four of the persons named in the revised list of Jurors of the race or class to which the accused belongs to be summoned; the Court shall also at the same time cause as many other persons named in the revised list as seem to the Court to be needed for such trial to be summoned. The names shall be drawn by lot, excluding those who have served within six months unless when the number cannot be made up without them.

263. Any person summoned to attend as a Juror who shall without lawful excuse fail to attend, shall be liable by order of the Court of Session to a fine not exceeding fifty Rupees, to be levied by attachment and sale of his property.

## CHAPTER XIX.

### TRIALS BEFORE THE COURTS OF SESSION.

264. Except in the cases referred to in Section 114, a Court of Session, as a Court of original Criminal jurisdiction, shall not take cognizance of any offence but upon a charge preferred by a Magistrate or other Officer specially empowered by this Act or any other law to make commitments to such Court.

265. In every trial before a Court of Session the prosecution shall be conducted by the Government Pleader or some other Officer specially empowered in that behalf, and the complainant, if there be a complainant, shall be examined as a witness in the case.

266. A Court of Session may direct the postponement of a trial, when it is satisfied that such postponement is proper and essential to the ends of justice.

267. When the Court is ready to commence the trial, the accused person shall be brought before it, and the charge shall be read and explained to him, and he shall be asked whether he be guilty or not guilty of the offence charged. If the accused plead guilty, the plea shall be recorded and the accused convicted thereon.

268. If the accused person refuse to plead, or plead "not guilty," the Court shall proceed to try the case, taking all the evidence that is forthcoming in due course.

269. The evidence of the witness shall be taken in the manner prescribed in Section 133 for taking of evidence before the Magistrate.

270. If any witness shall refuse to answer such material questions as shall be put to him, without offering any just excuse for such refusal, the Court may commit such witness to custody for such reasonable time as it may deem proper, unless he shall in the meantime consent to be examined and to answer, after which, in the event of his persisting in his refusal, he may be dealt with according to the provisions of Section 108 or Section 114.

271. The examination of the accused person before the Magistrate shall be given in evidence at the trial. The attestation of the Magistrate shall be sufficient proof of such examination, and such attestation shall be admitted without proof of the signature to it unless the Court shall see reason to doubt its genuineness.

272. It shall be in the discretion of the Court, at any stage of a trial, to summon and examine any witnesses whose evidence it may consider essential to the just decision of the case.

273. The Court shall receive in evidence the examination of a Civil Surgeon or other Medical witness taken and duly attested by the Magistrate, provided that nothing in this Section shall prevent the Court from summoning the witness if it shall see sufficient cause for doing so.

274. The examination of a witness taken and attested by the Magistrate shall be admitted in evidence if the witness be dead or the Court be satisfied that for any sufficient cause his attendance cannot be procured.

275. Any document purporting to be a report from the Chemical Examiner to Government upon any matter or thing duly submitted to him for examination or analysis and official report in the course of any Criminal trial or in any preliminary enquiry relating thereto, shall be received in evidence at such trial if it bears the official signature of the said Examiner, and no proof of such signature or that the person signing holds such office shall be requisite unless the Court shall see reason to doubt the genuineness of the document.

276. When the case for the prosecution has been brought to a close, the accused person shall be called upon to enter upon his defence, and to produce his evidence. The Court may put such questions to the accused as it may think proper. But it shall be explained to the accused person that he is at liberty to decline to answer any question so put to him.

277. The accused person shall be allowed to call any witness not previously named by him, but he shall not be entitled to have any other witnesses summoned than those named in the list delivered to the Magistrate or other Officer by whom he was committed or held to bail for trial, except as provided in Section 176.

278. The Court may, in its discretion, adjourn the trial to such future time as may be necessary, and so from time to time.

279. In the event of the adjournment of a trial by Jury, the Jury shall be required to attend at the adjourned sitting, and at every subsequent sitting until the conclusion of the trial, and any Juror who shall without lawful excuse fail so to attend, shall be liable by order of the Court of Session to a fine not exceeding one hundred Rupees.



dred Rupees to be levied by attachment and sale of his property.

280. In cases tried by Jury, the Judge shall sum up the evidence on both sides, and the Jury shall then deliver their finding upon the charge.

281. If the defendant is convicted, and the case is one which the Court of Session is competent to dispose of finally, it shall proceed to pass sentence upon the defendant according to law.

282. If the case is one in which, if the defendant be convicted, he is liable to sentence of death, the Court of Session shall pass sentence; and if sentence of death be passed, it shall not be executed without the confirmation of the Sudder Court. In any case submitted to the Sudder Court for confirmation of the sentence, the Court may either confirm the sentence or pass any other sentence warranted by law, or may reverse the conviction and order a new trial.

283. The Courts of Session shall transmit to the Sudder Court such periodical statements or calendars of trials by Court of Session. Sudder Court shall prescribe, exhibiting the offence charged, the offence of which the accused is convicted, and the sentence passed upon him.

## CHAPTER XX.

SUDDER COURT,  
*As a Court of Reference.*

284. A case referred by a Court of Session for confirmation of a sentence of the Court of Session shall be heard by a Court constituted by two or more Judges of the said Sudder Court. The confirmation of the sentence or any new sentence or order passed shall be signed by not less than two of such Judges.

285. Provided that, if the Sudder Court is of opinion that the facts charged or those of which the accused is found guilty against an accused person do not answer to the legal definition of an offence, it shall annul the conviction and may order a new trial upon an amended charge.

286. In any case referred to the Sudder Court, it shall be competent to the Court, if it think further enquiry or additional evidence upon any point bearing upon the guilt or innocence of the accused to be necessary, to direct such enquiry to be made, or such additional evidence to be taken.

## CHAPTER XXI.

FINDING, JUDGMENT, AND SENTENCE.

287. In any trial by Jury, when the Jury are unanimous in thinking the accused guilty of the offence specified in the charge, or of the offence specified in any head of the charge when there are more heads than one, the verdict shall be that the accused is guilty of such offence. When the Jury are not unanimous, but a majority concur in thinking the accused guilty, the verdict

shall be that the accused is found guilty of the offence specified in the charge, or in a such a head of the charge as above provided, by a majority of the jurors (stating the number.) When a majority of the Jurors do not concur in thinking the accused guilty, the verdict shall be that the accused is not guilty. When the Jury, or a majority of the Jurors, concur in thinking the accused guilty of an offence, but are doubtful under which of two heads of the charge the offence falls, the verdict shall be that the accused is guilty either of the offence charged in such a head, or of the offence charged in such another head of the charge. When the Jury are equally divided in opinion the verdict shall state specially the division of opinion.

288. When the trial in any Criminal Court is concluded, the Court, in passing judgment, if the accused be convicted, shall distinctly specify the offence of which, and the Section and Chapter of the Penal Code under which he is convicted, or if it be doubtful under which of two Sections the offence falls, shall distinctly express the same, and pass judgment in the alternative, according to Section 18 of Chapter III.

289. The finding and sentence shall be recorded in the following form, or Form of finding to the same effect :—  
and sentence.

In trials by Jury :—

When the Jury are unanimous :

The Jury find that Z is guilty of the offence specified in the charge, namely that Z has waged war against the Government, and has thereby committed an offence punishable under Section 1 Chapter VI of the Penal Code; and the Court directs that the said Z [sentence]

2nd. The Jury find that Z is not guilty of the offence specified in the charge, namely that Z has waged war against the Government, and has thereby committed an offence punishable under Section 1 Chapter VI of the Penal Code; and the Court directs that the said Z be discharged.

When the Jury are not unanimous, but a majority of the Jurors concur in thinking the defendant guilty :—

3rd. A majority of the Jurors (stating the number) find that Z is guilty of the offence specified in the charge, namely that Z has, with the intention of inducing the Honorable A. B., a Member of the Council of the Governor General of India, to refrain from exercising a lawful power as such Member, assaulted such Member, and that he has thereby committed an offence punishable under Section 3 Chapter VI of the Penal Code. The Court concurs in such finding, and directs that the said Z be [sentence]

4th. A majority of the Jurors (stating the number) find that Z is guilty of the offence specified in the charge, namely that Z has, with the intention of inducing the Honorable A. B., a Member of the Council of the Governor General of India, to refrain from exercising a lawful power as such Member, assaulted such Member, and that he has thereby committed an offence punishable under Section 3 Chapter VI of the Penal Code. The Court does not concur in such finding, and directs that the said Z be discharged.

5th. When the Jury are not unanimous, but a majority of the Jurors concur in thinking the defendant not guilty, the form No. 2 shall be followed.

When the Jury or a majority of the Jurors concur in thinking the defendant guilty of an offence, but are doubtful under which of two heads of a charge the offence falls :—

6th. The Jury or the majority of the Jurors (stating the number) as the case may be, find that Z is guilty either of the offence specified in the first head of the charge, or of the offence specified in the second head of the charge; namely that Z has either committed theft, and has thereby committed an offence punishable under Section 2 Chapter XVII of the Penal Code or that he has committed Criminal breach of trust, and has thereby committed an offence punishable under Section 28 of the same Chapter of the Penal Code. The Court directs [*or, the Court concurs in such finding, and directs*] that under the provisions of the above mentioned Sections, and the provisions of Section 18 Chapter III of the Penal Code, the said Z be [*sentence*]

When the Jury are equally divided in opinion the finding of the Jury shall state specially the division of opinion and the finding and sentence of the Court shall then be recorded in the following form or to the same effect :

The Court concurs with the Jurors who have found that Z is guilty of the offence specified in the charge, namely that he has committed &c. &c. and the Court directs that the said Z be [*sentence*] ; or (*as the case may be*)—

The Court concurs with the Jurors who have found that Z is not guilty of the offence specified in the charge, namely that Z has committed &c. &c. ; and the Court directs that the said Z be discharged.

In trials upon a formal charge, without Jury :—

7th. The Court finds that Z is guilty of the offence specified in the charge, namely that Z has committed theft, and has thereby committed an offence punishable under Section 2 Chapter XVII of the Penal Code ; and the Court directs that the said Z be [*sentence*]

8th. The Court finds that Z is not guilty of the offence specified in the charge, namely that Z has committed theft, and has thereby committed an offence punishable under Section 2 Chapter XVII of the Penal Code ; and the Court directs that the said Z be discharged.

In trials in which no formal charge has been prepared :—

9th. The Court finds that Z has used Criminal force, and has thereby committed an offence punishable under Section 56 Chapter XVI of the Penal Code, and directs that the said Z be [*sentence*]

10th. The Court finds that the complaint of assault is not proved, acquits Z, and directs that he be discharged.

290. When a person shall be convicted of several offences at the same time, punishable under the same or different Sections of the Penal Code, it shall be lawful for the Court to sentence him to the several penalties prescribed by the Code in respect of the several offences of which he shall have been so convicted, provided that the punishment to which such person is sentenced for each offence is within the ordinary penal jurisdiction of the Court, such penalties, when consisting of imprisonment, to commence the one after the expiration of the other ; and it shall not be necessary for the Court, only by reason of the aggregate punishment for the several offences being in excess of the punishment which the Court is competent to inflict on conviction of a single offence, to send the offender for trial before a higher Court.

291. When sentence shall be passed on a person already under sentence of imprisonment for another offence, it shall be lawful for the Court to award imprisonment on the subsequent conviction, to commence at the expiration of the imprisonment to which such offender shall have been previously sentenced ; and if empowered to pass sentence of transportation or banishment, the Court may award such sentence on the subsequent conviction to commence immediately, or at the expiration of the imprisonment to which such person shall have been previously sentenced.

292. A party who has once been tried upon a formal charge, shall not be liable to be tried again for the same offence. Provided that any person may be tried for the offence of culpable homicide and punished for that offence notwithstanding he may have been tried and punished for the act which caused the death, if at the time of his conviction for the act death shall not have resulted or shall not have been known by the Court to have resulted.

293. In cases referred by the Court of Session for the confirmation of a sentence by the Sudder Court, the proper Officer of the Court shall, within three days after the order of confirmation or other order of the Sudder Court or sooner if practicable, transmit a copy of the order under the seal of the Sudder Court, and attested with his official signature, to the Court of Session, which, if the sentence be confirmed, shall immediately issue a warrant to the Magistrate or other Officer in charge of the jail in which the prisoner is confined, to cause the sentence or order to be carried into execution ; or in the case of any other order, shall cause such order to be carried into effect.

294. In cases tried by the Court of Session the Court shall forward a copy of its sentence, together with a warrant for the execution of the same, directed to the Magistrate of the district in which the trial was held or other Officer as aforesaid.



295. Upon the receipt of a warrant under either of the the two last preceding Sections, the Magistrate or other Officer as aforesaid shall cause the sentence to be executed, and shall return the warrant, when the sentence has been fully executed, to the Court from whence it issued, with an endorsement under his official seal and signature, certifying the manner in which the sentence has been executed.

296. In every case of imprisonment under the sentence of any Court other than a Subordinate Criminal Court, the Magistrate or other Officer as aforesaid shall issue his warrant to the jailor, stating the offence of which the defendant has been convicted, and the period during which he is to be imprisoned and the nature of the imprisonment. In every case of imprisonment under the sentence of a Subordinate Criminal Court, the Court passing the sentence shall issue its warrant to the same effect.

## CHAPTER XXII.

### SUDDER COURT AS A COURT OF REVISION.

297. It shall be lawful for the Sudder Court to call for and examine the records of any Court of Session for the purpose of satisfying itself as to the legality or propriety of any sentence or order passed, and as to the regularity or propriety of the proceedings of such Court. If the Sudder Court shall be of opinion that the sentence or order is contrary to law, the Court shall reverse the same and pass such judgment and sentence as to the Court shall seem right, or, if it deem necessary, may order a new trial. If it appear to the Sudder Court that the sentence passed is too severe, the Sudder Court may pass any mitigated sentence warranted by law.

298. The Sudder Court, in any case tried by the Court of Session, in which, upon a review of the abstract statements or calendars of prisoners punished without reference, it shall appear to it that the sentence passed is one which cannot lawfully be passed on a person convicted of the offence as stated in the abstract statement or calendar, shall annul the sentence, and shall certify to the Court of Session the sentence which may lawfully be passed for such offence; and thereupon the Court of Session shall pass a new sentence according to law, and shall amend the record in accordance therewith.

299. The Sudder Court, in any case tried before a Court of Session in which, upon a review of the abstract statements or calendars of prisoners punished without reference, it shall appear to it that there has been error in the decision of the Court of Session on a point of law, or that a point of law should be considered by the Sudder Court, may call for the record, together with a report of the Judge's direction to the Jury, if the case have been tried by a Jury, and upon reviewing the depositions of the witnesses, the direction of the Judge, and the conviction, may determine any point of law arising out of the case, and thereupon pass such judgment and sentence as to the Sudder Court shall seem right.

300. The Sudder Court may, on the report of a Court of Session or of a Magistrate, or whenever it thinks fit, call for the record of any Criminal trial in any Criminal Court within its jurisdiction, in which it shall appear to it that there has been error in the decision on a point of law, or that a point of law should be considered by the Sudder Court, and determine any point of law arising out of the case, and thereupon pass such judgment and sentence as to the Sudder Court shall seem right.

301. In all cases in which a case shall be revised by the Sudder Court under the last two preceding Sections, the Sudder Court shall certify its proceedings to the Court in which the conviction was had, and such Court shall thereupon make such orders as are conformable to the decision of the Sudder Court, and if necessary amend the record in accordance therewith. Provided that in any such case tried before a Court of Session, it shall not be competent to the Sudder Court except as hereinbefore provided, to reverse the judgment of the Court, or the verdict of the Jury on the facts of the case.

## CHAPTER XXIII.

### APPEALS.

302. There shall be no appeal from a judgment of acquittal passed by any Criminal Court.

303. Any person convicted by a judgment of any Criminal Court subordinate to a Court of Session, from which an appeal lies to a higher Court under any law for the time being in force, may present a petition of appeal to the Court of Appellate Jurisdiction, which may call for the proceedings of the lower Court, and confirm or alter or reverse the finding and sentence of such Court, but not so as to enhance the punishment awarded. Provided that an appeal shall lie from a judgment of the Court of Session to the Sudder Court upon any point of law that may arise upon that judgment.

304. If the party appealing be in jail, he shall be at liberty to present his petition of appeal to the Magistrate or other Officer in charge of the jail, who shall thereupon forward the petition to the proper appellate authority.

305. In any case in which an appeal is allowed, it shall be competent to the Court of Appeal, if it think further enquiry or additional evidence upon any point bearing upon the guilt or innocence of the accused to be necessary, to direct such enquiry to be made, and additional evidence to be taken. The result of the further enquiry and the additional evidence shall be certified to the Appellate Court, and the Appellate Court shall thereupon proceed to pass such judgment and sentence as to such Court shall seem right.

306. When a Magistrate or a Subordinate Criminal Court shall have convicted a person of an offence not triable by such Magistrate or Court, it shall be competent to the Court of Appellate Jurisdiction.

jurisdiction to annul the conviction and sentence of the lower Court, and to direct the trial of the case by a Court of competent jurisdiction.

307. Unless otherwise provided by any law for the time being in force, an appeal shall lie to the Magistrate from all orders in judicial proceedings other than Criminal trials, passed by a Deputy Magistrate (other than a Deputy Magistrate vested under Section with the full powers of a Magistrate). An appeal shall lie to the Court of Session from all such orders passed by a Magistrate or a Deputy Magistrate vested with such powers. It shall be competent to the Courts of Appellate Jurisdiction to pass upon such appeals such orders as they shall deem just and proper. An appeal shall also lie to the Sudder Court upon any point of law that may arise from any order made by the Court of Session in such proceedings.

308. Petitions of appeal must be presented within thirty days immediately following and exclusive of the day on which sentence was passed. Every petition of appeal shall be accompanied by a copy of the judgment or order appealed against, and it shall be competent to the Appellate Court to reject the appeal if on perusal of the petition and the judgment or order there appears to be no sufficient ground for questioning the correctness of the decision.

309. Except as provided in Section 301 sentences and orders passed by the Appellate Court upon appeals preferred to such Court shall be final.

310. Every sentence or final order of a Court or Magistrate, together with the reasons for making or passing the same, shall be written in the Vernacular language of the presiding Officer, and shall be dated and signed by such Officer at the time of his making or passing the same, and the original shall be filed with the record or proceedings and a translation thereof where the original is recorded in a different language to that in ordinary use in proceedings before such Officer, shall be incorporated in the record of the sentence or order.

311. If the Vernacular language of the presiding Officer be not English, and the Officer be sufficiently conversant with the English language to be able to write the sentence or final order in a clear and intelligible manner in that language, and prefer to write the same in that language, the sentence or final order may be written in English.

312. It shall be at all times lawful for a Court of Session and for a Magistrate or other Officer exercising the powers of a Magistrate, to call for and examine the records of any Court immediately subordinate to their respective Courts, for the purpose of satisfying themselves as to the legality of any sentence or order passed, and as to the regularity of the proceedings of such Subordinate Courts. If the Court of Session shall be of opinion that the sentence or order is contrary to law, the Court or Ma-

gistrate shall refer the proceedings for the orders of the Sudder Court. It shall not be lawful for any other Court than the Sudder Court to alter any sentence or order of any Subordinate Court except upon appeal by parties concerned duly made according to the foregoing provisions.

313. In the case of offences not triable by the Magistrate, the Court of Session may order the commitment to the Court of Session of any accused person who may have been discharged by the Magistrate. In the case of such offences the Court of Session may order an enquiry into any complaint which the Magistrate may have dismissed without enquiry.

314. The Court of Session may direct that any defendant shall be admitted to bail before a Magistrate or Subordinate Criminal Court, or that the bail required by a Magistrate or Subordinate Criminal Court be reduced; and may also direct that a party not in custody be admitted to bail on his surrendering to a warrant.

315. No trial held in any Criminal Court shall be set aside, and no judgment passed by any Criminal Court shall be reversed by a Court of Appeal or a Court of revision for any irregularity in the proceedings of the trial, unless such irregularity have occasioned a failure of justice.

316. Nothing in this Act shall be held to alter or affect the jurisdiction or procedure of the Heads of Villages or of the District or Village Police Officers in the Presidency of Madras; or the jurisdiction of District or Village Police Officers in Criminal cases which they have power to try under the provisions of the Bombay Code, or their procedure in such cases; or the jurisdiction or procedure of a single Officer duly authorized and appointed under the Laws in force in the Presidencies of Fort St. George and Bombay respectively, for the trial of petty offences in Military Bazzars at Cantonments and Stations occupied by the Troops of those Presidencies respectively.

317. This Act shall not take effect in any part of the Territories not subject to the general Regulations of Bengal, Madras, and Bombay until the same shall be extended thereto by the Governor General of India in Council or by the local Government to which such territory is subordinate and notified in the Gazette.

318. The following words and expressions in this Act shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction (that is to say,)

Words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number.

Gender. Words importing the masculine gender shall include females.

in any part of the British territories in India  
 "Sudder Court." to which\* this Act may be ex-  
 tended under the provisions of  
 Section 317, the expression "Sudder Court" shall  
 be deemed to include the highest Criminal Court  
 of Appeal or revision in such part of the said  
 territories.

## APPENDIX OF FORMS.

### A.

#### FORM OF SUMMONS (Section 29.)

To A. B. of  
 Whereas your attendance is necessary to answer  
 to a charge of (*state shortly the offence charged*):  
 You are hereby required to appear in person be-  
 fore the [*Magistrate*] of on the  
 day of Herein fail not.

(*Signature and Seal.*)

Dated the day of

### B.

#### FORM OF WARRANT (Section 35.)

To (*name and designation of the person or  
 persons who are to execute the warrant.*)

Whereas of stands charged  
 with the offence of (*state the offence*): You are  
 hereby directed to apprehend the said and  
 to produce him before me. Herein fail not.

(*Signature and Seal.*)

### C.

#### FORM OF WARRANT OF COMMITMENT (Section 154.)

To Jailor of  
 Whereas of is charged  
 with (*state the offence in respect of which the pri-  
 soner is charged; and the authority of the Com-  
 mitting Officer*): You are hereby required to re-  
 ceive the said into your custody in the  
 said jail of and him there safely to keep  
 until he shall be thence delivered by due course of  
 law.

Dated the day of

### D.

#### FORM OF BOND TO KEEP THE PEACE (Section 215.)

Whereas I inhabitant of have been  
 called upon to enter into a bond to keep the peace  
 for the term of , I hereby bind myself not  
 to commit a breach of the peace or do any act that  
 may probably occasion a breach of the peace  
 during the said term; and in case of my making  
 default therein, I bind myself to forfeit to Govern-  
 ment the sum of Rupees

Dated

#### FORM OF SECURITY TO BE SUBJOINED TO THE BOND OF THE PRINCIPAL.

I hereby declare myself surety for the above said  
 that he shall not commit a breach of the  
 peace or do any act that may probably occasion a  
 breach of the peace during the said term; and in  
 case of his making default therein, I hereby bind  
 myself to forfeit to Government the sum of Rupees

Dated

### E.

#### FORM OF RECOGNIZANCE TO PROSECUTE OR GIVE EVIDENCE (Sections 102 and 162.)

I of do  
 hereby bind myself to appear at in the  
 Court of at o'clock on the  
 day of next, and then and there to pro-  
 secute, (*or, as the case may be, "to prosecute and  
 give evidence" or "to give evidence"*) in the matter of  
 a charge of against one A. B.; and in  
 case of my making default herein, I bind myself  
 to forfeit to Government the sum of Rupees.

Dated

W. MORGAN,  
*Clerk of the Council.*

## Home Department.

No. 1796.

Fort William, the 12th September 1859.

Notification.—The following appointment  
 announced by the Right Hon'ble the Secretary of  
 State for India, in a Despatch, No. 14 of 1859,  
 dated the 4th August, is published for general  
 information:—

The Reverend John Macalister Thomson to be  
 a Junior Minister of the Church of Scotland, in  
 Bengal.

No. 1801.

The following Extract, (paragraph 4,) from a  
 Despatch, No. 76 of 1859, dated the 4th August,  
 from the Right Hon'ble the Secretary of State  
 for India, is published for general information:—

"Mr. William Galloway has been permitted  
 to resign the Service, on account of ill health,  
 and Mr. C. Chester to retire at the expiration  
 of his present leave.

No. 1802.

The 13th September 1859.

Mr. W. S. Paterson, of the Civil Service,  
 reported his departure for England by the Steam-  
 ship *Candia*, which Vessel was left by the  
 Pilot at Sea on the 23rd ultimo.

W. GREY,  
*Secy. to the Govt. of India.*

## Foreign Department.

No. 5557.

Fort William, the 13th September 1859.

His Excellency the Viceroy and Governor Gene-  
 ral has been pleased to confer the title of Ba-  
 hadoor upon Sirdar Soorut Sing, for eminent  
 services performed by him during the late dis-  
 turbances.

No. 5558.

Captain C. D. Grant made over charge of the  
 Current duties, and of the Treasury of the Ran-  
 goon District, to Mr. G. Hough, Assistant Com-  
 missioner, on the 3rd ultimo.

No. 5559.

Assistant Surgeon H. Brodrick, in Medical charge of Mayne's Horse, reported his departure from Bombay for Europe on the 5th ultimo, in pursuance of the leave on Medical Certificate, for fifteen months, granted to him by the Government of Bombay in General Order, dated 4th idem, No. 683.

CECIL BEADON,  
Secy. to the Govt. of India.

### Military Department.

Fort William, the 12th September 1859.

No. 1278 of 1859.—Lieutenant Colonel H. J. Stannus, of the 5th European Light Cavalry, Deputy Pay Master, Meerut, is allowed leave of absence for three months, from the date on which he may avail himself of it, to visit the Presidency, preparatory to applying for Furlough to Europe, on private affairs, under the new Regulations.

Fort William, the 13th September 1859.

No. 1279 of 1859.—The following Notification from the Home Department is published in General Orders :—

No. 1783, dated 8th September 1859.—The Governor General in Council is pleased to place the services of Captain J. Burn, of the 40th Regiment Bengal Native Infantry, at the disposal of the Governor of the Straits' Settlements.

No. 1280 of 1859.—The following Order issued by the Honorable the Lieutenant-Governor of Bengal is published in General Orders :—

No. 5461, dated 5th September 1859.—Mr. C. J. Jackson to officiate as Civil Assistant Surgeon of Sarun.

No. 1281 of 1859.—The following paragraph of a Military letter from the Right Hon'ble the Secretary of State for India, No. 257, of the 4th ultimo, is published for general information :—

Captain F. Brownlow, 1st Light Cavalry, and Major E. Marriott, 57th Native Infantry, who have proceeded on duty with Recruits on the Ships *Conflict* and *Coringa* respectively, will be entitled to reckon service and draw Indian Pay and Allowances from the date of arrival of the Overland Mail which left England on the 4th July, with which they would have returned had their services not been required on the Cape route. Lieutenant W. L. Samuells, 11th Native Infantry, applied to return per Ship *Newcastle*, but was required to proceed with the Detachment on the *Coringa*. The return of Lieutenant Samuells will be reckoned from the arrival of either Vessel, the *Newcastle* or *Coringa*, whichever shall first happen.

No. 1282 of 1859.—His Excellency the Governor General in Council is pleased to admit Rissaldar Roostum Ali Khan, of the 1st Regiment Beaton's Horse, to the 3rd Class of the Order of Merit, in consideration of his distinguished conduct in action against a body of Rebels in the Nursinghur District.

No. 1283 of 1859.—Ensign A. P. Martin, of the 71st Regiment Native Infantry, is permitted to resign his Commission in Her Majesty's Indian Military Forces, with effect from the 17th June last.

No. 1284 of 1859.—The under-mentioned promotions are made :—

CORPS.	Rank and Names.	To what Rank promoted.	From what date.	In whose room.
Infantry	Lieut.-Col. and Bt.-Col. James Matthie Major James Charles Innes	Colonel Lt.-Colonel	29th Aug. 1859	Col. (Lieut.-General) W. Vincent, deceased.
61st N. I.	Capt. and Bt.-Major William Henry Ryves Lieut. and Bt. Capt. Harry Smith Obbard Ensign Alexander Dunlop Anderson	Major Captain Lieutenant		

No. 1285 of 1859.—*Erratum*.—In Government General Order, Nos. 1176 and 1190 of 1859, assigning Rank to Cadets appointed for the Bengal Presidency, for *Henry Ekins Ryves*, read *Hervey Ekins Ryves*.

Order Books to be corrected accordingly.

Her Majesty has been pleased to appoint the under-mentioned gentleman to be a Cadet for the Infantry in Her Majesty's Indian Military Forces at the Presidency of Bengal. He is accordingly admitted into the Service, and promoted to the rank of Ensign, from the date assigned to him in

Government General Order No. 1190, of the 23rd ultimo :—

Infantry. Date of Arrival at Fort William.  
Mr. Hervey Ekins Ryves ... 30th Aug. 1859

No. 1286 of 1859.—Lieutenant A. W. Bolton of the 50th Regiment Native Infantry, Officiating Sub-Assistant Commissary General, is allowed leave of absence, from the 1st October to the 1st December 1859, to visit the Presidency, preparatory to applying for Furlough to Europe on private affairs, under the old Regulations.

No. 1287 of 1859.—Her Majesty has been pleased to appoint the under-mentioned gentlemen to be Cadets for the Infantry in Her Majesty's Indian Military Forces at the Presidency of Bengal. They are accordingly admitted into the Service, and promoted to the rank of Ensign, leaving the dates of their Commissions for future adjustment:—

*Date of Arrival  
at Fort William.*

*Infantry.*

Mr. Edward George Newnham	} 8th September 1859.
Mr. George Arthur Berkeley	
Becher	

No. 1288 of 1859.—Assistant Apothecary George Ward Roope, of the Subordinate Medical Department, attached to the Garrison Hospital at Phillour, is dismissed from the Service.

R. J. H. BIRCH, *Major-General,*  
*Secy. to the Govt. of India.*

**Public Works Department.**

GENERAL.—ESTABLISHMENTS.

No. 272.

*Fort William, the 7th September 1859.*

*Resignation.*—Assistant Overseer J. Cox, of the Berhampoor Division, is permitted to resign his appointment in the Department Public Works, from the 15th August 1859.

No. 273.

*The 8th September 1859.*

*Appointments.*—Baboo Soobul Chunder Mullick is appointed a Probationary Assistant Overseer in the Department Public Works, and posted to Bengal.

No. 274.

*The 9th September 1859.*

Captain H. Hyde, First Class Executive Engineer, Lahore Division, is appointed a Deputy Consulting Engineer in the Railway Department, North-Western Provinces.

No. 275.

*Notification.*—Captain W. E. Marshall, Executive Engineer, Lower Assam Division, is reduced from the grade of Executive Engineer, Fourth Class to that of Assistant Engineer, First Class, and posted to the Garrison of Fort William.

Mr. H. Andrew, C. E., Executive Engineer, Third Class, is placed in Executive charge of the Lower Assam Division, in succession to Captain W. E. Marshall.

R. BAIRD SMITH, *Colonel,*  
*Off. Secy. to the Govt. of India.*

**Orders by the  
Lieutenant-Governor of Bengal.**

No. 5488.

APPOINTMENTS.—*The 8th September 1859.*—Temporary Assistant Overseer T. Hayes is posted to the Nuddea Rivers.

*The 13th September 1859.*—Captain E. P. Lloyd to officiate as 2nd Class Principal Assistant to the Commissioner of Assam, from the date of promotion of Captain Comber and Lieutenant Sconce to the date of Lieutenant B. W. D. Morton's return to his duties.

LEAVE OF ABSENCE.—*The 10th September 1859.*—The privilege leave for three months granted by the Lord Bishop of Calcutta to the Revd. H. Smith, Chaplain of Hazareebaugh, notified in the Gazette of the 17th ultimo, will take effect from the 3rd proximo, or such date as he may be able to avail himself of the same.

NOTIFICATION.—*The 12th September 1859.*—Mr. C. J. Mackenzie, of the Civil Service, reported his departure from India on the 24th ultimo, on the Steam-ship *Candia*.

RIVERS THOMPSON,

*Junior Secy. to the Govt. of Bengal.*

**Orders by the Lieutenant-Governor,  
North-Western Provinces.**

JUDICIAL DEPARTMENT.

No. 3609.

*The 27th August 1859.*

*Notifications.*—Leave has been granted to Mr. Henry Robert Clarke, Joint Magistrate and Deputy Collector of Bareilly, for one month, under Section 12 of the new Rules, from the date on which he may avail himself of the same.

No. 3612.

Leave is granted to Dr. W. H. Spry, Civil Surgeon of Ajmere, for sixty days, viz., from 1st September to 1st November next, as privilege leave, under the Military Rules.

No. 3653.

*The 30th August 1859.*

Privilege leave, for one month, has been granted to Dr. A. H. Cheek, Civil Surgeon of Benares, from the date upon which he may avail himself of the same.

No. 3680.

*The 31st August 1859.*

The under-mentioned Civil Servants have been granted extension of leave, on Medical Certificate, by the Right Hon'ble the Secretary of State for India, for the period specified, viz:—

Mr. Charles Rakes,	} Six months.
" Henry Binny Webster,	
" Edward Michael Wylly,	
" Thomas Edward Fairfax,	
" William McChlery,	} Two months.
" Johnstone,	

Mr. Francis Charles Forbes, Civil Service and Mr. E. J. Churcher, (Uncovenanted,) have been permitted to return to their duty.



No. 3709.

*The 1st September 1859.*

Mr. F. B. Outram to be an Assistant, with full powers, in the District of Ghazee-pore.

No. 3711.

*The 2nd September 1859.*

The Hon'ble the Lieutenant-Governor is pleased to invest Mr. Robert Currie, Assistant to the Magistrate and Collector of Meerut, with the full powers of a Joint Magistrate and Deputy Collector, from the 27th ultimo.

No. 3713.

The Hon'ble the Lieutenant-Governor of the North-Western Provinces has been pleased, as a special case, to invest Mr. F. R. Hogg, Assistant Magistrate and Collector at Saharunpore, with the full powers of a Joint Magistrate and Deputy Collector.

No. 3715.

Assistant Surgeon G. B. Hadow, 2nd Gwalior Infantry, to be Civil Assistant Surgeon of Moradabad, *vice* Assistant Surgeon Cockburn, whose services have been placed at the disposal of His Excellency the Commander-in-Chief.

No. 3723.

The services of Mr. L. C. Probyn, Joint Magistrate and Deputy Collector of the 2nd Grade, in Zillah Ghazee-pore, are placed at the disposal of the Government of India, in the Financial Department.

#### REVENUE DEPARTMENT.

No. 1688.

*The 1st September 1859.*

Mr. F. B. Outram is appointed to officiate as Secretary to the Sudder Board of Revenue, during the absence of Mr. W. H. Lowe, or until further orders.

#### GENERAL DEPARTMENT.

No. 1529.

*The 27th August 1859.*

The services of 3rd Grade Sub-Assistant Surgeon Chundee Churn Ghose, attached to the Government Charitable Dispensary at Saharunpore, are placed at the disposal of the Government of India, in the Foreign Department.

Second Grade Sub-Assistant Surgeon Tara Chund Sen, attached to the Dispensary at Bijnore, is transferred to the Dispensary at Saharunpoor.

No. 1540.

*The 30th August 1859.*

Sub-Assistant Surgeon Grees Chunder Dutt is appointed permanently to the charge of the Government Dispensary at Jubbulpore, the order transferring him to Banda being cancelled.

No. 1551.

*The 31st August 1859.*

Leave of absence, on Medical Certificate, to the 31st December 1859, has been granted to the Reverend W. J. Jay, M. A., Chaplain of Allahabad, in extension of the leave granted to him, in Orders of the 12th ultimo.

No. 1564.

*The 1st September 1859.*

Mr. J. D. Sandford to be Assistant Secretary to the Government of the North-Western Provinces, and to officiate as Under-Secretary to the Government, during the absence of Mr. Daniell, or until further orders.

No. 1565.

Mr. A. M. Monteath to officiate as Assistant Secretary to the Government of the North-Western Provinces.

No. 1570.

*The 3rd September 1859.*

The half-yearly examination of Assistants will be held at the several Divisional Head Quarters Stations during the month of October. The date upon which the examination will commence will be communicated to the Commissioners in due course by the Central Committee.

#### FINANCIAL DEPARTMENT.

No. 2855.

*The 26th August 1859.*

The Hon'ble the Lieutenant-Governor has been pleased to direct the adoption, in the Provinces subject to this Government, of the following Rules, (which are in force in Bengal,) regulating the amount of travelling allowance to be drawn by Officers proceeding by Railway on the public service.

Whenever an Officer of any Department travelling on duty is entitled to draw travelling allowance, reckoned by mileage, and he travels the whole distance or any portion of the distance by Railroad, he shall charge for such distance at the rate of 3 annas per mile only, if he is an Officer entitled to charge ordinarily at the rate of 8 annas or upwards per mile, and at the rate of one and a half anna per mile only, if he is an Officer entitled to charge ordinarily at a rate below eight annas.

#### PUBLIC WORKS DEPARTMENT.

No. 2354.

*The 29th August 1859.*

The Ferries on the Burnia River at Koonia, Poorana Pool and Nukkee Ghaut, close to the City of Benares, are hereby declared public, under the provisions of Clause 2, Section 3, Regulation VI. of 1819, and the Magistrate is authorized to take measures for bringing them under his management at such time as he may think proper.

No. 2379.

*The 30th August 1859.*

The following Officers have been appointed Members of the Road and Ferry Fund Committee in the Agra Division :—

#### MUTTRA.

The Magistrate and Collector, Vice President and Secretary,

Mr. R. H. Clifford, Joint Magistrate and Deputy Collector ...

Captain E. Smalley, Executive Engineer ...

Mr. W. B. Joyce, Deputy Collector ...

Meer Imdad Ally, Deputy Collector ...

Mr. Bradford, Collector of Customs ...

Members.

AGRA.

The Commissioner, President,  
The Magistrate and Collector, Vice President  
and Secretary.

Lieutenant G. Watts, Officiating Executive Engineer, ...  
Colonel A. Cunningham, Chief Engineer, North-Western Provinces, ...  
Mr. G. B. Pasley, Joint Magistrate and Deputy Collector, ...  
Dr. G. R. Playfair, M. D., Civil Surgeon, ...

Members.

FURRUCKABAD.

The Magistrate and Collector, Vice President  
and Secretary.

Mr. C. Robertson, Assistant Collector, ...  
Gunga Pershad, Deputy Collector, ...  
Kullub Hossein, Deputy Collector, ...  
Raie Prithie Sing, Talookdar of Rhimsaypoor, ...  
Maharaj Juggraj, Banker, ...  
Baboo Chotee Lall, Banker, ...  
Chowdry Jey Chund, Talookdar of Bishengurh, ...  
Golab Roy, Zemindar of Ruttunpoor Rumonah, ...  
Madho Sing, Zemindar of Burmianee, ...

Members.

MYNPOORY.

The Magistrate and Collector, Vice President  
and Secretary.

Lieutenant Whish, Superintendent of the Etawah branch of the Ganges Canal, ...  
Mr. C. Anderson, Superintendent of the Cawnpore branch of the Ganges Canal, ...  
Mr. H. M. Chase, Joint Magistrate, ...  
Mr. W. Alexander, Assistant Magistrate, ...

Members.

ETAWAH.

The Magistrate and Collector, Vice President  
and Secretary.

Mr. G. B. Maconochie, Deputy Collector, ...  
Kour Luchmun Sing, Deputy Collector, ...

Members.

ETAH.

The Joint Magistrate and Deputy Collector,  
Vice President and Secretary.

Najuff Khan, Moonsiff, ...  
Pragduff, Deputy Collector, ...  
Dilsookh Rai, Landholder, ...

Members.

By order of His Honor the Lieutenant-Governor North-Western Provinces.

G. COUPER,

Secretary to Government, N. W. P.

No. 586.

Military Department.

Allahabad, the 6th September 1859.

Notifications.—Subadar Jurbundur Misser, of No. 4 Company, Cawnpore Police Battalion, is dismissed from the service of Government, on account of proved unfitness.

No. 588.

Subadar T. Purland, of the Divisional Police Battalion, Benares, having been convicted of knowingly permitting the extortion of money, by the men under his Command, from Cartmen conveying Ordnance Stores to Allahabad, of which he was in charge, is dismissed from the service of Government.

No. 590.

Naib Ressaldar Gungasahoy, of the 2nd Troop Goruckpoor Mounted Police, is dismissed from the service of Government.

No. 597.

The Honorable the Lieutenant-Governor of the North-Western Provinces has been pleased to sanction the following exchange of appointments:—

Lieutenant R. B. Graham, Adjutant of the Muttra District Police Battalion, to the Moozuffernuggur District Police.

Mr. H. C. Leeson, from the latter to the former.

No. 599.

Leave of Absence.—Captain E. Bowles, 2nd in Command, Rohilkund Divisional Police Battalion, privilege leave for sixty days, to visit Nynée Tal, from the date on which he may avail himself of it.

No. 604.

The 9th September 1859.

Notification.—The unexpired portion (viz. thirteen days) of the privilege leave for thirty days, granted to Major Carter, Commanding the Divisional Police Battalion, Rohilkund, in orders of 19th ultimo, is cancelled.

By Order of the Hon'ble the Lieutenant-Governor, North-Western Provinces.

G. W. WILLIAMS, Lt.-Col.,

Military Secy. to Govt., N. W. P.

Orders by the Lieutenant-Governor,  
Punjab Provinces.

Revenue Department,

No. 978, dated 29th August 1859.

Leave of Absence.—Extra Assistant Commissioner Sham Lall has obtained six months' leave, on urgent private affairs, from the date he may avail himself of the same, under Section VIII. of the Uncovenanted Service Leave Rules.

No. 980.

Mr. J. Leeson, Patrol, having returned to his duty on the 12th April last, the unexpired portion of the leave notified in the *Punjab Gazette* of the 23rd March last, viz. from 12th April to 30th September, is cancelled.

General Department,

No. 2026-9, dated 29th August 1859.

Transfers.—Lieutenant J. F. Forster, Assistant Commissioner, Shahpoor, has been transferred to Mozuffurghur.

Lieutenant J. S. Tighe, Assistant Commissioner Mozuffurghur, has been transferred to Mooltan.

Revenue Department,

No. 995, dated 31st August 1859.

Promotion.—Mr. C. Lefevre, Patrol of the Sirsa Customs' Line, has been promoted from the 4th to the 3rd Grade of Patrols, with effect from the 24th July 1859.

By Order of the Hon'ble the Lieutenant-Governor of the Punjab Provinces,

R. H. DAVIES,

Secy. to Govt., Punjab Provinces.

Opium Notification.

NOTICE is hereby given, that the tenth Sale of Opium, the provision of 1857-58, will be held at the Exchange Hall, on Friday, the 14th of October 1859, at 11 A. M., and will comprise 2,260 Chests, viz:—

Behar Opium ... ..	1,915
Benares Ditto ....	345
Total Chests...	2,260

2. The general conditions of the Sale now advertized will be the same as usual. They may be ascertained by reference to the Notification issued on the 1st December 1858, and published in the *Government and Exchange Gazettes*, or on application at the Office of the Board of Revenue.

3. The latest dates for deposit and clearance will be the 19th and 29th October 1859, respectively, that is to say, no Sub-Treasurer's Receipts, Company's Paper or other Public Securities that may be tendered for deposit in redemption of Promissory Notes given by purchasers at the Sale, will be received after 4 P. M. of Wednesday, the 19th October 1859, and no Treasury Receipts in full payment of lots will be accepted after 4 P. M. of Saturday, the 29th October 1859.

4. In addition to the quantity above advertized for Sale, the following quantities more or less of Behar and Benares Opium of 1857-58 will be brought to Sale in the present year, on or about the dates specified below. The Board however reserve to themselves the right of altering these dates, should circumstances render it expedient to do so.

	Behar about Chests.	Benares about Chests.	Total about Chests.
On or about Monday, 7th November 1859	1915	345	2260
Do. Monday, 5th December ..	1934	379	2313
	3849	724	4573

By Order of the Board of Revenue,

ASHLEY EDEN,

Offg. Junior Secretary.

FORT WILLIAM,  
The 1st September 1859. }

Notice.

Hindoo Holidays in September and October 1859.

THE General Treasury will be closed on Monday, the 26th September 1859, on account of the Hindoo Holiday, Mohaloya.

The General Treasury will be closed from Saturday the 1st, to Wednesday the 12th October 1859, both days inclusive, on account of the Hindoo Holidays Doorga and Luckhee Poojahs. All acceptances which may fall due between Saturday the 1st, to Wednesday the 12th October 1859, will be payable at the General Treasury on any business day after the 26th September 1859.

The General Treasury will be closed on Tuesday the 25th, Wednesday the 26th, and Thursday the 27th October 1859, on account of the Hindoo Holidays, Kalee Poojah and Bhates-diteah.

J. I. HARVEY,

Sub-Treasurer.

GENERAL TREASURY,  
The 12th September 1859. }

Notification.

WITH the sanction of the Governor General of India in Council, it is hereby declared that the Port of Bassein and the navigable River and Channels leading to the Port are subject to Act XXII. of 1855.

The Limits of the said Port of Bassein are as follows:—

To the North.—A line drawn North-East from South side of Kyouk Choung Gyee Creek through Shway Mien Den Pagoda.

To the South.—A line drawn from the South Bank of the Pamawaddy River, North-West through Ashby Rocks.

To the East and West.—So much of the Bassein River within the above limits and the shores thereof as are within fifty yards of high water mark spring tides.

The Limits of the navigable River and Channels leading to the said Port, made subject to the said Act, are as follows:—

To the North.—The Port of Bassein as above defined.

To the South.—A line drawn East and West through Porian Point to South end of Diamond Island and from thence North North-West through Pagoda Point.

All parts of the Bassein River between the said Limits and below high water line at spring tides are subject to the said Act.

PORT RULES.

I. No Vessels of above 200 Tons shall enter within the limits of the Port of Bassein or move from one place to another within the Port between sunset and sunrise, without the special permission of the Master Attendant.

II. The Commander of all Vessels arriving at the Port of Bassein are desired to enter correctly in the Columns of the Report Book of the Master Attendant as soon as presented to them, the information therein required regarding their Vessels. They will also report in writing to the Master Attendant the particulars noted in the form appended hereto.

III. All Commanders of Vessels arriving within the limits of the Port of Bassein shall anchor in such a position as the Master Attendant or his Assistant shall direct. All Vessels shall moor with two bower anchors each way and shall not move from their position without a Pilot, except with the express permission of the same authority.

IV. All Commanders of Vessels shall have their jib and driver booms rigged in when required by the Master Attendant and shall strike their masts and yards when required to do so by the Master Attendant.

V. Every Ship or Vessel within the Port of Bassein shall have removed any anchor or spar or other substance projecting from her side when so required by the Master Attendant or other Officer of the Port.

VI. The Commanders of all Vessels entering the Port of Bassein with ballast on board shall without delay send to the Master Attendant a report in writing stating the description of ballast on board, the quantity in Tons and the Port of Shipment. Application must be made by the Commander to the Master Attendant for permission to tranship or land ballast, and no ballast shall be transhipped or landed except under the sanction of the Master Attendant and only at such Stations as he shall direct.

VII. A free Channel is to be kept for Ships moving up and down the River within the Port and always free passages to piers, jetties, landing-places, wharves, quays, docks and moorings and all Vessels shall be bound to move when required to clear such Channels or passage.

VIII. All Vessels within the Port of Bassien shall be be moored or warped from place to place as required by the Master Attendant or other Officers of the Port, and no Vessel shall cast off a warp that has been made fast to her to assist a Vessel in mooring without being required to do so by the Pilot or Officer in charge of the Vessel mooring.

IX. No Vessels within the limits of the Port of Bassein shall boil any pitch or dammer on board or shall draw off spirits by candle or other artificial lights.

X All Vessels within the Limits of the Channel leading to the Port of Bassein shall, when at anchor between sunset and sunrise, have a good light hoisted at the starboard fore-yard arm, and all Vessels under weigh at night shall show a good light at the fore royal or upper foremost head and when under weigh in tow of a Steamer shall, in addition to the mast-head light, show a good light at each fore-yard arm, the Steamer showing the usual light prescribed by the Admiralty Regulations.

The provisions of Sections XI., XXXVII, and XL. of the said Act No. XXII. of 1855 are hereby specially extended to the Port of Bassin.

By order,

H. NELSON DAVIES.

*Personal Asst. to the Commr. of Pequ.*

*and Agent to the Governor General.*

*Form of Conservator of Ports' Report Book of Arrival.*

	Date of Arrival at Rassein.
	Name of Vessel.
	Rig of Vessel
	Tonnage.
	Under what Flag.
	Name of Commander,
	Where from,
	Date of Departure.
	Intermediate Port touched at
	Names of Passengers.
	REMARKS

**Notice is hereby given,**

THAT the CACHAR MELA, or ANNUAL FAIR, will be held at Silchar, in Cachar, on the 30th and 31st of December 1859, and the 1st, 2nd and 3rd of January 1860.

Prizes will be given, as at the last Mela, for the best specimens of Cattle, Raw Products, and Manufactures brought for sale.

Shops will be erected for the convenience of Traders. Races, Games, &c., will be held, and a display of Fire-works take place.

*N. B.*—The last Mela was attended by a great concourse of people, and large herds of Buffaloes, Cows, Ponies and Goods of all kinds were brought for sale and disposed of.

R. STEWART,

*Superintendent of Cachar.*

ZILLAH CACHAR;  
Superintendent's Office,  
The 1st August 1859.

*RULES for the preservation of the Government  
Invalid Bungalows at Almora, with the conditions  
upon which Officers of all ranks are permitted to  
occupy them :—*

1. No Officer is to take possession of a Bungalow on any account without application to the Executive Engineer, who will submit the same to the Commanding Officer.

2. The first Invalid who arrives at the Station of Almora is to have his choice of Bungalows, and so on in rotation till they are all occupied. In the event of a number arriving at the same time, the seniors are to have a prior claim to choose.

3. Should the number of Bungalows be at any time inadequate for the separate accommodation of Gentlemen or Families, the largest house inhabited by a bachelor will be liable to receive a second occupant, and so on in rotation; married Officers to be the last subject to this arrangement. But when it becomes necessary for more than two bachelors to occupy one house, married Officers will be requested to move into one of the smaller houses, leaving the larger for the accommodation of more than two bachelors.

4. The Bungalows will be delivered over to individuals by the Executive Engineer or one of his Subordinates, and Officers are requested, in concert with the Executive Engineer or his Subordinates, particularly to examine them, as it is to be distinctly understood that any damage which may have happened wilfully or through carelessness to any Bungalows during the occupation of the property, is to be made good by the occupants.

5. To enable the Executive Engineer to examine the buildings, timely information is to be given him by Invalids of the probable period of their departure from the Station.

6. The repairs which Government authorize at their own expense to these Bungalows are annual and quadrennial repairs, which merely consist of white-washing, renewals to perishable articles, such as jhamps, ceiling cloths, &c., when *bond fire* worn out, and trifling repairs, such as stopping of leaks, &c., the neglect of which by occupants might cause ultimate damage to the property; all other repairs to these buildings whilst occupied, such as repairs to doors, windows, jhamps, replacing broken panes of glass, &c., to be made by the Executive Engineer, but at the expense of the occupants.

7. Such expense to be paid to the Executive Engineer on his presenting a bill for the amount.

8. No alteration, changes or additions of any kind to be made to any Bungalows, or part of a property without the sanction of the Executive Engineer.

9. And any alterations and additions which may have been sanctioned and executed are not to be taken down or removed on the departure of any Invalid, but are to be considered the property of Government.

10. Officers who may not feel inclined to submit to the above Rules are to be considered as having forfeited their title to occupy any Bungalow.

(True Copy)

D. Moss,

Off. Asst. to the Chief Engineer, N. W. P.

## CALCUTTA UNIVERSITY.

### A R T S.

ENTRANCE EXAMINATION, DECEMBER, 1859.

1. The Entrance Examination shall commence on Monday, the 5th of December 1859.

2. The chief Examination will be held in Calcutta; but Candidates may be examined at any of the under-mentioned places; viz.—Berhampore, Kishnaghur, Dacca, Chittagong, Bhaugulpore, Patna, Benares, Agra, Delhi, Bareilly, Ajmere, Lahore and Colombo.

3. No Candidate shall be admitted to the Entrance Examination, unless he shall have completed his sixteenth year; but any one above the age of sixteen may be a Candidate, wherever he may have been educated.

4. Every Candidate must apply either to the Registrar on or before the 21st of November, or to the Secretary to the Local Committee of Public Instruction at any of the places above-mentioned on or before the 6th of October, and with his application must forward a Certificate in the following form:—

I, \_\_\_\_\_, a Candidate for the Entrance Examination of the Calcutta University for the year 18\_\_\_\_, was educated at \_\_\_\_\_, am 16 years of age, and desire to be examined in the two languages following:—

1 English.

2

(Signed,)

Dated \_\_\_\_\_

I certify that I know the above named Candidate \_\_\_\_\_; that to the best of my belief he has attained the age of 16 years, that I know nothing against his moral character, and that he has signed the above in my presence on this day.

Dated \_\_\_\_\_

(Signed)———

5. An Entrance Fee of Five Rupees shall be paid by each Candidate, and no Candidate shall be examined unless he have previously paid this Fee either to the Registrar or to the Secretary to the Local Committee at one of the above-mentioned places. If a Candidate fail to pass the Examination, the Fee shall not be returned to him. He may be admitted to any one or more subsequent Entrance Examinations on payment of a like Fee of Five Rupees on each occasion.

6. The Examination shall be conducted by means of printed papers, which shall be the same for all places in the interior as for Calcutta.

7. Candidates for Entrance shall be examined in the following Subjects:—

#### I. LANGUAGES.

Two of the following Languages, of which English must be one, viz:—

English.

Thomson ... Winter.

Heber ... Passage of the Red S.

Johnson ... Russelas.

Herschel ... Natural Philosophy, Part 1st, 3rd Chapter.

Paley ... Natural Theology, Chapter XII. (last Edition.)



Todd	...	Student's Guide, Chapter 1st.	<i>Greek.</i>
Homer	...	Iliad, Books IV. and V.	
Xenophon	...	Memorabilia, Books I. and II.	<i>Latin.</i>
Cæsar	...	From the beginning of the 20th Chapter of Book IV. to the end of Book V.	
Virgil	...	Æneid, Book VI.	<i>Hebrew.</i>
Book of Genesis.			<i>Arabic.</i>
Alif Laila.			
Nafhat al Yaman.			<i>Persian.</i>
Gulistan.			
Bostan.			<i>Sanscrit.</i>
Raghuvansa.			
Kumara Sumbhava.			<i>Bengali.</i>
Jibun Churitra	...	Lives of Duval, Grotius and Herschel.	
Telemachus	...	Books, I. II. and III.	
Sakootola	...	4th, 5th, 6th and 7th Chapters.	
Mahabharat	...	Pages 131 to 142 of the 1st Volume.	<i>Hindi.</i>
The Ramayun.			<i>Urdu.</i>
Bagh-o-Bahar and Gul-i-bakawali.			<i>Oorya.</i>
Bishnu Surma's Hitopodesh.			<i>Burmese.</i>
The Thoodhamma Tsarie.			
The Dhamma Pada.			

The Papers in each Language will include questions on Grammar and Idiom.

Easy Sentences in each of the Languages in which the Candidate is examined will be given for translation into the other Language.

## II. HISTORY AND GEOGRAPHY.

The Outlines of General History, as contained in the first Volume of Marshman's Brief Survey, and the Outlines of Indian History, as contained in Murray's History of India, to the end of the year 1815.

A general knowledge of Geography, and a more detailed knowledge of the Geography of India.

## III. MATHEMATICS.

### *Arithmetic and Algebra.*

The ordinary Rules of Arithmetic.  
Vulgar and Decimal Fractions.  
Extraction of the Square Roots.  
Addition, Subtraction, Multiplication and Division of Algebraical Quantities.  
Proportion.  
Simple Equations.

### *Geometry.*

The first three Books of Euclid, with such easy deductions and applications as arise directly out of these Books.

In Branches II. and III. answers may be given either in English, or in any living Language in which the Candidate may elect to be examined.

8. The Examination will be conducted, in the following order, viz—

Monday, December 5th, ... *English*  
Tuesday, December 6th, ... *Other Languages.*  
Wednesday, December 7th, ... *History and Geography.*

Thursday, December 8th, ... *Mathematics.*

9. The Examination shall be held from 10 A. M. to 1 P. M. and from 1½ to 4½ P. M., on each day. Candidates are required to be in attendance a quarter of an hour earlier than the beginning of each Examination, in order that no time may be lost in taking their places.

10. At the close of each day's Examination at any place in the interior above-mentioned, the answers of each Candidate will be sealed up by the Secretary to the Local Committee of Public Instruction, and forwarded immediately to the Registrar.

11. Candidates will not be approved by the Examiners, unless they show a competent knowledge of all the Subjects in which they are examined.

12. On the morning of the 2nd January, being the fourth Monday after the Examination, the Examiners shall arrange in two Divisions, each in alphabetical order, such of the Candidates as shall have passed, and to each passed Candidate shall be given a Certificate signed by the Registrar, setting forth his age, and the Division assigned to him by the Examiners.

By Order of the Vice-Chancellor,

H. SCOTT SMITH, A. B.,

Registrar.

CALCUTTA UNIVERSITY,  
The 1st September 1859. }

## CALCUTTA UNIVERSITY.

### BACHELOR OF ARTS' DEGREE EXAMINATION, 1860.

The B. A. Examination shall commence on Monday, the 2nd January 1860, and shall be held only in Calcutta.

2. For the first three years after the establishment of the University, and therefore for the present Examination, the only requirement from Candidates for the Degree of B. A. will be, that they show satisfactorily that they have passed the Entrance Examination, whether in this University, or in those of Madras or Bombay, and that they are of good moral character. The Certificate should be in the following form:—

### B. A. EXAMINATION—1860.

I certify that \_\_\_\_\_ is, to the best of my belief, of good moral character, and has satisfied me, by the production of the Registrar's Certificate, that he has passed the Entrance Examination of the Calcutta University.

Dated \_\_\_\_\_

(Signed) \_\_\_\_\_

3. Applications must be made, and Certificates forwarded to the Registrar, on or before the 19th December 1859. Notice must also, at the same time, be given by the Candidates, of the Languages in which they wish to be examined, English being of necessity one.

4. A Fee of twenty-five Rupees shall be paid by each Candidate. No Candidate shall be admitted to the Examination unless he shall have previously paid this Fee to the Registrar. If a Candidate fail to pass the Examination, the Fee shall not be returned to him. He may be admitted to any one or more subsequent Examinations, on payment of a like Fee of twenty-five Rupees on each occasion.

5. The Examination shall be conducted chiefly by means of printed papers, but the Examiners may also put *vivâ voce* questions to any Candidate in the subjects in which they are severally appointed to examine.

6. Candidates for this Degree shall be examined in the Subjects hereunto appended.

7. Candidates shall not be approved by the Examiners unless they show a competent knowledge in each of the under-mentioned branches of Examination, and exhibit a special acquaintance with the subjects which are printed in italics.

8. The Examination will be conducted in the following order:—

Monday,	... January 2nd,	... English.
Tuesday,*	... January 3rd,	... { Other Lan- guages.
Wednesday,	... January 4th	... History.
Thursday,	... January 5th,	... { Mathematics and Natural Philosophy.
Friday,	... January 6th,	... { Physical Sciences.
Saturday,	... January 7th,	... { Mental and Moral Sciences.

9. The Examination shall be held from 10 A. M. to 1 P. M. and from 1½ to 4½ P. M. on each day. Candidates are required to be in attendance a quarter of an hour earlier than the beginning of each Examination, in order that no time may be lost in taking their places.

10. On the morning of the 16th January, being the second Monday after the Examination, the Examiners shall arrange in two Divisions, each in alphabetical order, such of the Candidates as shall have passed. Those in the first Division shall be recommended for the Examination for Honors.

By order of the Vice-Chancellor,

M. SCOTT SMITH, A. B.,

Registrar.

CALCUTTA UNIVERSITY, }  
The 1st September 1859. }

## I. Languages.

*English.*

Shakespeare  
Spenser

... Julius Caesar.  
... As in Richardson's Se-  
lections,

Scott  
Johnson

... Marmion.  
... Lives of—1 Milton, 2  
Dryden, 3 Addison, 4  
Pope, 5 Swift.

*Greek.*

Sophocles  
Herodotus

... Ajax.  
... Book 2. Euterpe.

*Latin.*

Virgil

... Georgics, Books I  
and II.

Cicero

... Divinatio, Actio Prima,  
and Books I and II  
of Actio Secunda.

*Hebrew.*

Deuteronomy.

Psalms I—XII.

Isaiah I—XXXIX.

Daniel I—VII.

Proverbs.

*Arabic.*

Ikhwan-al-Safa, Soyuti's Tarikh-al Kholfā.

*Persian.*

Sekander Nameh, Abu-al-Fazl's Letters.

*Sanskrit.*

Kiratarjuniya, Viracharita.

*Bengali.*

Batrish Singhasan, Purush Parikhya, Mahabharat, Books 1 to 3.

*Hindi.*

Tulsee Kritt Ramayun (Balkhand and Ayodhyakhand.) Subhabilas.

*Urdu.*

Bagh-o-Buhar, Davan-i-Souda (Kassedah's.)

*Oorya.*

Bishnu Surma's Hitopodesh.

The Papers in each Language will include Questions on Grammar\* and Idiom.

Sentences in each of the Languages in which the Candidate is examined will be given for translation into the other Languages.

## II. History.

The Principles of Historic Evidence as treated in Isaac Taylor's two works on the subject, or other similar Books.

The History of England, (including that of British India) to the end of 1815:

Elphinstone's History of India.

Ancient History, with special reference to the History of Greece to the death of Alexander, the History of Rome to the death of Augustus, and the History of the Jews.

The Historical Questions will include the Geography of the Countries to which they refer.

\* For Sanskrit, instead of the older Grammars, such works as Ishwar Chundra Sharma's two Grammars, or that by Mr. Williams; and for Bengali Ramnahun Roy's, Dr. Yates', or Shamachurn Sirkar's Grammar will be used in the Examination.

### III. Mathematics and Natural Philosophy.

#### ARITHMETIC AND ALGEBRA.

*The ordinary Rules of Arithmetic.*  
*Vulgar and Decimal Fractions.*  
*Extraction of the Square Root.*  
*Addition, Subtraction, Multiplication and Division of Algebraical Quantities.*  
*Simple and Quadratic Equations, and Questions producing them.*  
*Algebraical Proportion and Variation.*  
*Permutations and Combinations.*  
*Arithmetical and Geometrical Progression.*  
 Binomial Theorem.  
 Simple and Compound Interest, Discount, and Annuities for terms of years.  
 The nature and use of Logarithms.

#### GEOMETRY.

*The first six Books of Euclid and the eleventh Book to Prop. XXI. with deductions.*  
 Conic Sections.

#### PLANE TRIGONOMETRY.

Solution of all cases of Plane Triangles.  
 The expression for the Area of a Triangle in terms of its sides.

#### MECHANICS.

Composition and Resolution of Forces.  
 The Mechanical Powers.  
 The Centre of Gravity.  
 The General Laws of Motion.  
 The Motion of falling bodies in free space and down inclined planes.

HYDROSTATICS, HYDRAULICS AND PNEUMATICS.  
 Pressure of liquids and gases, its equal diffusion and variation as the depth.  
 Specific Gravity.  
 Description and explanation of the barometer, siphon, common pump, forcing-pump, air-pump and steam-engine.

#### OPTICS.

Laws of Reflection.  
 Formation of images by simple lenses.

#### ASTRONOMY.

Elementary knowledge\* of the Solar System, including the phenomena of Eclipses.

### IV. Physical Sciences.

#### CHEMISTRY.

The Atmosphere, its general nature and condition; its component parts—Oxygen and Nitrogen—their properties; water and carbonic acid—proportion of these substances in the air.  
 Chlorine and Iodine, as compared with Oxygen.  
 Water; its general relation to the atmosphere and earth; its natural states and relative purity; sea water, river water, spring water, rain water, pure water; effects of heat and cold on it; its compound nature; its elements.  
 Hydrogen; its nature and proportion in water; its presence in most ordinary fuels; its product when burnt.  
 Sulphur, phosphorus and carbon, generally.  
 Nitric acid, sulphuric acid; carbonic acid; their elements.

\* By this is meant a knowledge of Descriptive as distinguished from Practical and Physical Astronomy.

Hydrochloric or muriatic acid.  
 Alkalies, earths, oxydes, generally.  
 Salts; their nature generally; sulphates; nitrates; carbonates.  
 Metals generally; iron, copper, lead, tin, zinc, gold, silver, platinum, mercury.  
 Powers of matter; aggregation; crystallization; chemical affinity; definite equivalents.  
 Combustion; flame; nature of ordinary fuel, chief results of combustion; *i. e.*, the bodies produced.  
 Heat; natural and artificial sources; its effects; expansion; solids, liquids, gases, thermometer, conduction, radiation, capacity, change of form, liquefaction, steam.

#### ANIMAL PHYSIOLOGY.

As contained in the first part of Knox's translation of Milne Edward's Zoology, or any similar works.

#### PHYSICAL GEOGRAPHY.

Physical Geography, as contained in Hughes or any similar work.

### V. Mental and Moral Sciences.

#### LOGIC.

*The Elements of Logic, as contained in Whately or any similar Work.*

#### MORAL PHILOSOPHY.

Moral Philosophy, as contained in Wayland, Abercrombie or any similar Work.

#### MENTAL PHILOSOPHY.

Mental Philosophy, as contained in Abercrombie, Dr. Payne or any similar Work.

### CALCUTTA UNIVERSITY.

#### NOTICE.

All Law Students who have passed or may pass the B. L. Examination, in accordance with the special provision (No. 3 of the B. L. Regulations,) shall be at liberty, after passing the Entrance Examination, to present themselves at any subsequent Examination for the Degree of B. A., and on passing that Examination will be entitled to their Degrees of B. A. and B. L.

By Order of the Vice-Chancellor

H. SCOTT SMITH,

*Registrar.*

### Advertisement.

SEALED TENDERS will be received in this Office up to 24th instant, for the transport of 65,000 maunds (more or less) of Sylhet Stone Lime from Chuttaek to Calcutta.

The rates specified must be per 100 maunds of 40 Seers each, and must include all cost of conveyance from Chuttaek to Calcutta, and storage in a Godown in the Civil Architect's new Depôt at Cooley Bazar on the banks of Tolly's Nullah.

The Lime is to be received on board the Contractor's Boats between the months of December and March next, and the Contractor is to be responsible for all losses.

The Tenders are to specify the times to be occupied in the transport.

Each Tender to be accompanied with a deposit of 100 Rupees, which will be returned on execution of the Contract, or rejection of the Tender. A Security of 3000 Rupees will be required for the due fulfilment of the terms of this Contract.

THOMAS S. ISAAC, C. E.,

*Offg. Civil Architect.*

## CUSTOMS.

## LIST OF PACKAGES LYING UNCLAIMED ON THE CUSTOM HOUSE WHARF.

Date of Landing.	Mark or Address of Packages.	Ships.
1857, August 7th ...	1 Case Merchandize I C C	Str. James Hartley.
1858, October ...	164 Round Bars Iron, no mark	Contest.
Ditto ..	1 Bundle Sheet ditto, ditto	Ditto.
Ditto ..	39 bundles Hoop ditto	Ditto.
1859, January 8th ...	10 Casks Wine F in diamond	Bosphorus.
February 10th ...	73 Casks Merchandize, S in triangle N	Noonday.
Ditto ..	4 Tierces ditto ditto	Ditto.
March 5th ...	1 Case ditto, P C F in diamond	Abion.
Ditto 6th ...	40 Cases ditto, A S and Co.	Pomona.
Ditto 14th ...	1 Case ditto, Officer Commanding 97th Regiment	Augustus Wattenbach.
Ditto 21st ..	28 Cases ditto, A S and Co.	Tudor.
Ditto 23rd ...	2 Small Packages, ditto B C	Str. Fiery Cross.
Ditto ..	1 Small ditto ditto, B	Ditto.
April 5th ...	12 Cases ditto, A in diamond	Amalia.
Ditto 16th ..	9 Bundles Iron, no mark	Howden.
Ditto 16th ...	11 Pieces Iron, no mark	Ditto.
Ditto 18th ...	8 Bags Tobacco Leaf, ditto	Atieth Rohaman.
Ditto 27th ...	1 Tin Box Merchandize, Messrs. Fraser and Co.	Str. Viscount Caning.
June 27th ...	12 Cases Gin, K D P	Saladin.
July 14th ...	1 Case Unknown, Revd. H. Murray, care of L. Rawson	Scotia.
August 8th ...	1 Case ditto, A S Heathcote, Esq.	Maggie Miller.
Ditto 16th ..	1 Small Parcel ditto, Dr. Thompson, Superintendent of the Botanical Garden	Str. Fiery Cross.
Ditto 20th ...	1 Case ditto, Lieutenant-Colonel Hampton, 50th Regiment	Bucton Castle.
Ditto 26th ...	1 Trunk ditto, Captain Dennehy	Jane Leach.
Ditto ..	1 Case ditto, No mark	Ditto.
Ditto ..	1 Box Tin Plates, B M and Co.	Bucton Castle.
Ditto ..	1 Plate Sheet Iron, No mark	Ditto.
Ditto ..	1 Keg Merchandize, ditto	Ditto.
Ditto 29th ...	1 Case ditto, G G Nelson Esq. Care of J Skinner and Co.	Lodare.

F. J. COCKBURN,

Officiating Collector of Customs.

CALCUTTA CUSTOM HOUSE,

The 9th September 1859.

Sheriff's Office; the 3rd September 1859.

NOTICE is hereby given, that a Sessions of Oyer and Terminer and Gaol Delivery and also an Admiralty Sessions will be holden by the Supreme Court of Judicature at Fort William in Bengal, for the Town of Calcutta and Factory of Fort William, and the places subordinate thereto, at the Court-House in the Town of Calcutta, on Tuesday, the twentieth day of September instant, at 12 o'clock at noon.

The Court will open on the first day of the Sessions at 12 o'clock at noon, and upon each succeeding day precisely at 11 o'clock in the forenoon, of which all persons are required to take notice.

W. F. GILMORE,

Sheriff.

সরিক আকিস ৩ সেপ্টেম্বর ১৮৫৯ সাল

সমাচার দেওয়া যাইতেছে যে আগামি  
২০ সেপ্টেম্বর ১৮৫৯ সাল মঙ্গলবার দুই প্রহ-

রের সমস্ত কলিকাতার কোর্ট উইলিয়ামের  
এবং তাহার অন্তঃপাতি যে সকল স্থান তন্নি-  
মিত্ত বঙ্গ দেশের কোর্ট উইলিয়ামের সুপ্রেম  
কোর্ট আপন আদালত ঘরে ওয়েন্ট্রি মিনিস্টার  
এবং এডমাইরেলটি অর্থাৎ মহা সমুদ্র সল-  
কীয় মোকদ্দমা নিষ্পত্তি জন্য এক সেশিয়াম  
অর্থাৎ মিছিল করিবেন।

এই সেশিয়াম জতকাল পর্যন্ত বসিবেক  
তাহার প্রথম দিবস দুই প্রহরের সমস্ত তা-  
হার পর প্রতি দিবস এগারো ঘণ্টার সময়  
বসিবেক এ বিষয় সকলে অবগত রাখুন।

W. F. GILMORE,

Sheriff.

**REPORT showing the smallest depth of water in the Bhaugiruttee, Jellinghee and Matabangah Rivers, from 31st August to 6th September 1859.**

NAMES OF RIVERS.	Smallest depth of Water.	Remarks on the Phenomena of the River, during the week.
<i>Bhaugiruttee River.</i>	F. Is.	
Above its entrance in Ganges ...	25 6	Rise at entrance during the past week, 8 inches.
On the entrance Bar... From thence to Jungypore ...	22 8	
From Jungypore to Berhampore ...	20 6	Rise at Berhampore during past week, 9 inches.
From Berhampore to Cutwa ...	24 0	
And from Cutwa to Nuddea ..	20 0	
	24 0	
<i>Jellinghee River.</i>		
On its entrance Bar ..	17 3	
From thence to Bansemarree ...	16 0	
From Bansemarree to Sonatullah ..	18 0	
And from Sonatullah to Moisingunge ...	17 6	
<i>Matabangah River.</i>		
On its entrance Bar ...	21 0	
From thence to Haut Boleah ...	19 0	
From Haut Boleah to Katchikattah ...	20 9	
From Katchikattah to Kishengunge ...	18 0	
And from Kishengunge to Seebpore ...	21 0	

Height of water on Gauge at Berhampore, on the 6th September 1859, + 25 feet 3 inches.

T. N. ARMSTRONG, C. E.,  
Supdt., Nuddea Rivers.

CALCUTTA,  
The 9th September 1859. }

PURSUANT to an Order of the Supreme Court of Judicature at Fort William in Bengal, made in a certain cause wherein John DeCruz is Plaintiff, and Phillip DeCruz is Defendant, bearing date the 15th day of May 1859, the Creditors of Joseph DeCruz, late of Calcutta, who died in the year 1842, are forthwith required to come in and prove their respective debts before John Cochrane, Esquire, the Master of the said Court at his Office in the Court-House, or in default thereof, they will be excluded from the benefit of the said Order.

JOHN COCHRANE,  
Master.

TEMPLETON AND CARAPINT,  
Plaintiff's Attorneys.

CALCUTTA;  
Supreme Court, Master's Office, }  
The 10th September 1859.

TO BE PEREMPTORILY SOLD, pursuant to a Decree of the Supreme Court of Judicature at Fort William in Bengal, bearing date the 11th day of November 1858, made in a certain cause, wherein Monohur Doss is Complainant, and Kissorymohun Bose is Defendant, with the approbation of the Master of the said Court, at his Office in the Court-House, on Saturday, the 29th day of October next, at noon, the following property, that is to say:—

All that upper-roomed messuage, tenement or dwelling-house, with the piece or parcel of land or ground (with a tank,) thereunto attached and belonging, and on part whereof the same is erected and built, containing by estimation two biggahs, eight cottahs and two chittacks, (be the same a little more or less,) situate and lying at Simlah, in the Town of Calcutta, butted as bounded as follows, that is to say:—on the North by the house and premises, now or formerly the property of one Pittumber Gossain, and at present in the occupation of Dinnonauth and Jodoonauth Gossains, grand-sons of the said Pittumber Gossain; on the West by the house and premises belonging to, and in the occupation of Tareynee Churr Seal; on the South by the Public Road; and on the East by the Public Street, called Manicktollah Street.

Further particulars and conditions of Sale may be had, and an Abstract of Title inspected at the Master's Office, Supreme Court, or of Mr. A. M. Gasper, Attorney for the Complainant, at his Office, No. 11, Hare Street, Calcutta.

JOHN COCHRANE,  
Master.

A. M. GASPER,  
Complainant's Attorney.

CALCUTTA;  
Supreme Court, Master's Office, }  
The 2nd September 1859.

**Eastern Bengal Railway Company.**

NOTICE to Shareholders. Interest at 5 per cent per annum to the 30th June last, or amount paid up on shares is now in course of payment at the Office of the Company, No. 5, Harington Street.

(Signed) W. F. FERGUSSON,  
Acting Agent.

Calcutta, 13th September 1859.

**Court for the Relief of Insolvent Debtors at Calcutta.**

In the matter of George } On Saturday, the 3rd  
Ripley, an Insolvent. } day of September instant, it was ordered that the first Saturday in the month of September 1860, be appointed for the further hearing of this matter, and that unless cause be shown to the contrary on that day, the said Insolvent be discharged personally as well as to his after acquired property from all liability for debts, claims and demands of, and against the said Insolvent at the time of the filing of his petition for relief.

Judge, Judge and Watkins, Attorneys.  
Chief Clerk's Office, the 6th September 1859.



In the matter of Cally-oburn Chatterjee, formerly carrying on business as Merchant and Banian with one Kadar-nauth Mookerjee, under the name or style of Kadar-nauth Mookerjee, and latterly carrying on the said trade or business of Merchant and Banian alone in his own name, and lately Banian to the several firms of Brunet and Quillet, Brunet, Quillet and Hugard, Brunet and Quillet, and Brunet, Saliz and Latapie, an Insolvent.

T. Owen, *Attorney.*

*Chief Clerk's Office, the 9th September 1859.*

NOTICE is hereby given that, on account of the approaching Doorga Poogah Holidays, the next Insolvent Court will be held on the 29th day of October next, and not on the 1st of October.

In the matter of Francois Hodoul, lately of Paris, but at present of Calcutta, carrying on business in co-partnership with Alfred Dumat and Louis Thomas, as Merchants and Agents, under the style and firm of Langlois and Co., an Insolvent.

On Saturday, the 10th day of September instant, it was ordered that the hearing of this matter do stand adjourned until Saturday, the 29th day of October next, and that the order made in this matter for the *ad interim* protection of the said Insolvent from arrest be enlarged to the said 29th day of October next, and that the said Insolvent do then attend to be examined by the said Court.

Owen, *Attorney.*

In the matter of Kunnyaloll Dubay, of Burra Bazar, in Calcutta, formerly carrying on business of Cloth Merchant at Burra Bazar, jointly with one Nathooram, under the style and firm of Nathooram Kunnyaloll, and afterwards also carrying on business of Cloth Merchant at the same place, jointly with Beharryloll, under the style and firm of Kally Saha and Kunnyaloll, and at present Gomash-tah in the service of Doorgapersaud Goolzareemull, of Burra Bazar, an Insolvent.

Linton, *Attorney.*

In the matter of James Edward Gomes, of Herkatta Lane, in Calcutta, late a Printer of Bengal Hurkaru Newspaper, an Insolvent.

On Friday, the 9th day of September instant, it was ordered that the matters of the petition of the said Insolvent be heard on Saturday, the 5th day of November next, and that the said Insolvent do then attend to be examined by the said Court.

On Saturday, the 10th day of September instant, it was ordered that the hearing of this matter do stand adjourned until Saturday, the 29th day of October next, and that the order made in this matter for the *ad interim* protection of the said Insolvent from arrest be enlarged to the said 29th day of October next, and that the said Insolvent do then attend to be examined by the said Court.

On Saturday, the 10th day of September instant, it was ordered that the hearing of this matter do stand adjourned until Saturday, the 3rd day of December next, and that the said Insolvent do then attend to be examined by the said Court.

On Saturday, the 10th day of September instant, it was ordered that the hearing of this matter do stand adjourned until Saturday, the 29th day of October next, with liberty to the

said Insolvent to amend his Schedule and Estate Paper filed in this matter, and that the order made in this matter for the *ad interim* protection of the said Insolvent from arrest be withdrawn, and that the said Insolvent do then attend to be examined by the said Court.

Anley and Sims, *Attorneys.*

In the matter of Hurges Roy, of Punchanuntollah, in Calcutta, a manager of the shop of Hurnund Roy Bijrauj, of Mirzapore, an Insolvent.

On Saturday, the 10th day of September instant, it was ordered that the hearing of this matter do stand adjourned until Saturday, the 5th day of November next, and that the order made in this matter for the *ad interim* protection of the said Insolvent from arrest be enlarged to the said 5th day of November next, and that the said Insolvent do then attend to be examined by the said Court.

Templeton and Carrapiet, *Attorneys.*

In the matter of George Henry Stapleton, an Insolvent.

In the matter of Collydhone Mookerjee, an Insolvent.

In the matter of Kisno-coomar Laheree and Chunderseekur Laheree, Insolvents.

On Saturday, the 10th day of September instant, it was ordered that the hearing of these several matters do stand adjourned until Saturday, the 3rd day of December next, and that the order made in these matters for the *ad interim* protection of the said Insolvents from arrest be enlarged to the said 3rd day of December next, and that the said Insolvents do then attend to be examined by the said Court.

Pittar and Payne, *Attorneys.*

*Chief Clerk's Office, the 13th September 1859.*

### Notice.

### The Calcutta Printing and Publishing Company (Limited.)

AN Extraordinary General Meeting of Shareholders of the *Calcutta Printing and Publishing Company (Limited)* will take place on Tuesday, the 27th September 1859, at 4 o'clock P. M. precisely, at the Company's Office, No. 1, Weston's Lane, Cossitollah, for the purpose of dissolving the Company.

Your presence on this occasion is respectfully solicited.

GEORGE SHALLOW,  
*For Self and Board.*

25th August 1859.

### Latelly Published.

GUIDE TO THE

### Department of Public Works,

By D. A. GANTZER.

SECOND edition much enlarged and improved and illustrated with numerous Diagrams and Plans, 8vo. cloth, Rupees 6.

THACKER, SPINK, AND Co.

**East India Copper Company, "Limited."**

At a Special General Meeting of the East India Copper Company held at the Company's Office, 5, New China Bazar Street, on Wednesday, the 24th August 1859, pursuant to the following Advertizments:—

"It having been resolved at a Special General Meeting held on the 11th day of August 1859, of East India Copper Company, "Limited," that the said Company be voluntarily wound up, Notice is hereby given, that a General Meeting of the Shareholders will be held on Monday, the 22nd instant, at the hour of noon, at the Registered Office of the Company, No. 5, New China Bazar Street, to appoint a Liquidator or Liquidators, for the purpose of winding up the affairs of the Company and distributing the Property."

"The Special Meeting of the East India Copper Company, "Limited," advertized for yesterday, the 22nd instant, will take place on Wednesday, the 24th instant, at 4 o'Clock, to which day it has been postponed in consequence of the non-attendance of sufficient Shareholders."

Mr. J. M. Grob was voted to the Chair, and the following Resolution agreed to by all present and the Shareholders whose signature are hereunto attached:—

"That Mr. C. Durrschmidt be appointed Liquidator in terms of the Act upon a Commission of (1) one per Cent. upon the Assets."

(Signed) J. M. GROB,  
Chairman.

**East India Copper Company, Limited.**

The Calcutta Auction Company, Limited, have received instructions from the Liquidator to put up for sale, to the highest bidder, on the 20th of October next, the whole rights, titles, plant and interest of the East India Copper Company, Limited. Full particulars can be learned upon application to C. Durrschmidt, Esq., Official Liquidator, or to the Auctioneers.

**India General Steam Navigation Company "Limited."**

NOTICE is hereby given, that under the provisions of the Act XIX. of 1857, of the Legislative Council of India, a General Meeting of the Shareholders of the India General Steam Navigation Company "Limited" incorporated under the Act will be held on Monday, the 12th day of March 1860, at the hour of 3 P. M., at the Registered Office of the Company in the Town of Calcutta for the purpose of framing Articles of Association for the regulation and management of the Company under the Act, and in conjunction with the Regulations contained in Table B in the Schedule to the Act annexed, and for passing a Special Resolution of the Company accordingly under Sections 38 and 39 of the Act.

By Order of the Directors,

FRANK STACE,  
Secretary.

CALCUTTA,  
The 8th August 1859. }

**The Calcutta Steam Tug Association, Limited.**

THE Half-yearly Meeting of Shareholders will be held at the Office of the Secretaries, on Monday the 19th September 1859, at noon. The Books and Accounts are open for the inspection of Shareholders.

GORDON, STUART & Co.,  
Secretaries.

CALCUTTA,  
The 10th September 1859. }

**Partnership.**

Mr. ALEXANDER SIMSON is this day admitted a Partner in our Firm.

PURRIER & Co.

2, FAIRLIE PLACE,  
The 1st September 1859. }

**Lost, Stolen or Destroyed.**

THE under-mentioned Government Promissory Note, standing in the name of Unjoomooddowla Mahumud Jaffur Ullee Khan, the Proprietor, by whom it was never endorsed to any other person. Payment of the Note, and of Interest thereupon, has been stopped at the Loan Office, and application is about to be made to Government for the issue of a Duplicate Note in favor of the Proprietor:—

No. 9988 of 4231, for Rs. 6,000, of 1835-36.

UNJOOMOODDOWLA MAHUMUD  
JAFUR ULLEE KHAN.

LUCKNOW,  
The 31st August 1859. }

**Lost, Stolen or Destroyed.**

THE under-mentioned Government Promissory Note, standing in the name of Moortuzee Beg, the Proprietor, by whom it was never endorsed to any other person. Payment of the Note, and of Interest thereupon, has been stopped at the Loan Office, and application is about to be made to Government for the issue of a Duplicate Note in favor of the Proprietor:—

No. 10397, for Rs. 1,500, of 1854-55.

MOORTUZEE BEG.

LUCKNOW,  
The 31st August 1859. }

**Lost, Stolen or Destroyed.**

THE under-mentioned Government Promissory Notes, standing in the name of Wafutee Khanum, the Proprietress, by whom they were never endorsed to any other person. Payment of the Notes, and of Interest thereupon, has been stopped at the Loan Office, and application is about to be made to Government for the issue of Duplicate Notes in favor of the Proprietor:—

No. 15193 for Rs. 6,000 of 1832-33

" 4719 of 16199	" "	1,000	" "
" 18018	" "	1,000	" "
" 16553	" "	18,000	" 1835-36
" 4720 „ 1619	" "	1,000	" 1832-33
" 33533	" "	4,100	" 1854-55

WAFUTEE KHANUM.

LUCKNOW,  
The 31st August 1859. }

**Lost or Destroyed.**

THE Government Promissory Note, No. 1992 of 10818, of the Four per Cent Loan of 1854-55, date (unknown) for 2,500 Rupees, originally standing (it is supposed) in the name of E. H. Morland, Esq., Secretary to the Thomason Testimonial Fund, and last endorsed (it is believed) to the Collector of Agra, or the Principal of Agra College. Payment of the above Note, and of Interest thereon, has been stopped at the Loan Office, and application is about to be made to Government for the issue of a Duplicate Note, in favor of the Proprietor.

W. ANDERSON, L. L. D.,  
Offg. Prinl. Government College, Agra.

AGRA COLLEGE,  
The 5th September 1859. }

**Lost or Stolen.**

THROUGH Post Office, on transit from Balasore to Calcutta, Bengal Bank Note for Rupees (50) fifty. Payment stopped at the Bank. Apply to Deputy Magistrate, Balasore.

**Lost.**

THE Government Promissory Note, No. 5471 of 1835-36, of the 4 per Cent. Loan of 1835-36, for Company's Rupees 500, originally standing in the name of Edward Kinsley, the Proprietor, by whom it was never endorsed to any other person. Payment of the above Note, and of Interest thereupon, has been stopped at the Loan Office, and application is about to be made to Government for the issue of a Duplicate Note, in favor of the Proprietor.

E. KINSLEY.

**Lost.**

THE halves of under-mentioned Bank Notes :—

No. 12317	...	...	Rupees 50
„ 18176	...	...	„ 25
„ 07643	...	...	„ 10
„ 34163	...	...	„ 10

**Postal Notice.**

THE Public are hereby informed that, under instructions from the Post-Master General, I am now prepared to receive direct charge of all Packages arriving by the private Steamers consigned to my care, as Post-Master, Government Steam, or Government Waggon Train Agent, and to defray the landing and other charges for

cartage, &c. on the same, subject to realization from the Addressees (with the Bullock Train hire) on the delivery of the articles.

All Packages thus received will be forwarded on to the Addressees by Government Bullock Train with every care and expedition, and Shippers are requested to send me the Bills of Lading accordingly, and Consignees to instruct their Agents on the subject.

E. C. GEORGE,  
Offg. Post-Master, and Offg. Govt.  
Steam and Govt. Waggon Train Agent.

ALLAHABAD,  
The 23rd August 1859. }

**Notice by the Offg. Director-General of the Post Office in India.**

THE Public are hereby informed that, under an arrangement between the Secretary of State for India and Her Majesty's Post-Master General, an additional charge of one Penny will be levied from the 1st of January 1860, upon all single Newspapers and Prices Current sent from the United Kingdom to any part of India, or from any part of India to the United Kingdom *via* Southampton.

The total Postage upon each Newspaper is as under :—

*Via Southampton.*

On a Newspaper not exceeding four Ounces in weight	... 3d. or 0 1 6
On a Newspaper above 4 Ounces and under 8 Ounces in weight	.. 3d. or 0 2 0
On a Newspaper above 8 Ounces and under 12 Ounces in weight	4d. or 0 3 0

The Postage of 3d. or 2 annas hitherto levied on each Newspaper not exceeding 4 Ounces in weight sent *via* Marseilles remains unaltered.

All Newspapers posted on or after the 1st of January 1860, which may be insufficiently paid, but upon which one Penny or a single Newspaper rate of Postage has been paid, will be forwarded charged with the deficiency of Postage, and a fine of one Penny or nine Pies.

Prepayment must be made as now by Stamps.

R. H. WILLIAMSON,  
Offg. Director-General of  
the Post Office in India.

CALCUTTA,  
The 10th September 1859. }

Notices issued by the  
Post-Master of Calcutta.

No. 2092.

The 9th September 1859.—MAIL PACKETS for the Overland Mail, which leaves Bombay on the 26th instant, will be closed at this Office at 5 P. M., on Thursday, the 15th instant, *via* Marseilles only.

Letters and Papers for transmission *via* Bombay will be received up to 6 P. M. on every day prior to the 15th, and Inland Postage to Bombay must be prepaid in Stamps on Letters sent by this opportunity to Countries in Foreign Europe.

Rates of Postage.

Under $\frac{1}{4}$ oz.	Rs. 0 6 0
" $\frac{1}{2}$ "	" 0 8 0
" $\frac{3}{4}$ "	" 0 14 0
" 1 "	" 1 0 0

No. 2126.

The 10th September 1859.—The Overland Mail per Steamer *Bengal* will be closed on Thursday, the 22nd instant, at 6 P. M.

Letters for Madras, Ceylon, the Straits, China, Mauritius and Australia can be sent by this opportunity :

Weight.	<i>Via</i> Marseilles.	<i>Via</i> Southampton.
Under $\frac{1}{4}$ ounce	Rs. 0 6 0	Rs. 0 0 0
" $\frac{1}{2}$ "	" 0 8 0	" 0 4 0
" $\frac{3}{4}$ "	" 0 14 0	" 0 0 0
" 1 "	" 1 0 0	" 0 8 0
" 2 "	" 2 0 0	" 1 0 0

No. 1981.

The 12th September 1859.—Notice is hereby given, that the Mails for Penang, Singapore and Hong Kong, for transmission per Steamer *Lancefield*, will be closed at this Office, on Monday, the 19th instant, at 6 P. M.

No. 1982.

The 12th September 1859.—Notice is hereby given, that the Mails for Akyab, Rangoon and Moulmein for transmission per Steamer *Burmah*, will be closed at this Office, on Monday, the 19th instant, at 6 P. M.

No. 2147.

The 13th September 1859.—Notice is hereby given that, in consequence of the departure of the Pilot Vessel Guide having been postponed, the Mail for Chittagong will be closed at this Office on Monday, the 19th instant, at 6 P. M.

It is hereby notified that, unless marked for particular Ships, all letters received at the General Post Office between Monday, the 5th September 1859, and Sunday, the 11th September 1859, both dates inclusive, were despatched by the under-mentioned Vessels which sailed from Calcutta on dates specified.

Letters received on dates from and to	By what Ship despatched.	Bound to	REMARKS.
5th to 6th September 1859	Ship <i>Blackburn</i> ..	Melbourne ..	Left Town on the 7th September 1859.
5th to 11th September 1859	" <i>Edith Moore</i> ...	Mauritius ..	Will sail in a few days.

The 13th September 1859.

**Notices issued by the Post-Master General, North-Western Provinces.**

*LIST of Unclaimed Bullock Train Packages lying at the Office of the Post-Master General, North-Western Provinces, which will be sold by Public Auction to defray expenses, if not claimed within three months from this date.*

No.	Description of Packages.	Address.	Particulars.
1	1 Chest ..	Without address ...	Green Tea.
2	1 Box ..	Colonel Campbell, Commanding at Dinapore ..	2 Dozen and 11 Bottles Liquor.
3	1 Box ..	Arthur J. Ceely, Royal Highlanders ..	A Portmanteau containing Clothing.
4	1 Bullock Trunk ...	Without address ..	Containing Papers.
5	1 Tin Box ..	Ditto ...	Containing 3 vols. Materia Medica.
			1 Druggist's Receipt Book.
			1 Manual of Chemistry.
6		Ditto ..	1 Camp Table.
7		Ditto ...	Four Bamboo handles for Spears.
8		Ditto ...	A large Vice for Carpenters.
9		Ditto ...	An old Saddle and Bridle.
10	1 Box ..	Bailey, Esquire, Veterinary Surgeon, 9th Lancers ..	A large black Box, iron bound, contents unknown.
11	1 Box ...	Mr. Jones ..	A deal Box containing Clothing.
12	1 Ditto ..	Captain Dawson ..	1 Chest of Beer.
13	1 Ditto ..	Ditto ..	2 Dozen and 11 Bottles Sherry.
14	1 Ditto ..	W. Death, Esquire, Veterinary Surgeon, Military Train ...	Medical Stores.
15		Without address ..	A Dragoon Saddle.
16	1 Bag ..	Umcer Sing ...	A Bag containing Daigchees, Kettles, Sauce Pans, &c.
17	1 Box ...	Lieutenant Beale, 10th Foot ..	Pipes and Tobacco.
18	1 Ditto ...	G. Henderson, Veterinary Surgeon ...	Containing a Revolver, Pouch, Books, &c.
19		Without address ...	Native iron articles.
20	1 Box ...	Captain J. A. Willis ..	Containing 6 Bottles Sauce, 1 broken.
21	1 Ditto ..	George G. Pearse, Esquire ..	1 Pair Cloth and 1 Pair Riding Boots.
22	1 Ditto ...	Officer Commanding European Troop ..	4 Linch Pins and 4 iron Washers for Gun Carriages.
23		Chapman, Esquire, C. S. ...	Crockery.
24		Without address ..	Native Clothing, &c.
25		Ditto ...	A Camp Table and Chick.
26	1 Bag ..	Captain Meade, 8th King's ...	A Hog Spear.
27		Without address ..	A Camp Table.
28		Ditto ..	Part of a Tent.
29		Ditto ..	Floor Cloth.
30		Ditto ...	A Durree, &c.
31		Ditto ..	Part of a Tent.
32		Ditto ..	A Durree, &c.
33		Ditto ...	Some Books and Stationery, partially destroyed by fire.
34	1 Box ...	Ditto ...	Containing Papers and Memoranda to the address of Major Brooke, Her Majesty's 31st Regiment.
35	1 Ditto ..	Ditto ..	A small Writing Case, containing a few letters addressed Mrs. J. Hind, 26th Native Infantry.
36	1 Ditto ..	Ditto ...	A Sword in steel scabbard and a Tulwar, also a Dagger.
37	1 Ditto ..	Ditto ...	Property partially destroyed by fire. Crockery, Brass Utensils, a plated Bread Basket or Knife Box, Stationery, &c.
38	1 Ditto ...	Ditto ...	An empty Gun Case.



*LIST of Unclaimed Bangky Parcels lying at the Office of the Post-Master General, North-Western Provinces, which will be sold by Public Auction to defray expenses, if not claimed within three months from this date.*

No.	Description of Packages.	Address.	Particulars.
1	Parcel	Lieutenant Williams, refused	An Air Pillow.
2	Ditto	Ramdeen Zabin Chund, refused	2 Pieces of Cloth and 25 Australian Sovereigns.
3	Ditto	Captain Bird, Assistant Commissioner, Sultanpore	Note Paper and Envelopes.
4	Ditto	Without address.	A Bottle, contents unknown.
5	Ditto	F. Peterson, (refused)	3 Dozen gilt Staff Buttons.
6	Ditto	Without address	1 Galvanic Brush and Comb, and a bottle of Ellectrowire.
7	Ditto	Mohomed Cassim	Medicine.
8	Ditto	Captain Stewart, 6th Irregular Cavalry	2 Packets of Visiting Cards.
9	Ditto	W. H. Feeles, 2nd Battalion R. Brigade	Cricket Balls and Bats.
10	Ditto	A Chardon	2 Packets of Pipes and Tobacco.
11	Ditto	Premsookh	Native Poojah Articles.
12	Ditto	Meer Zuffier Mohomed Beg	1 Mogul Cap.
13	Ditto	Mrs. Permant	2 Caps.
14	Ditto	Captain Wood, C. I. F. F.	$\frac{1}{2}$ a Ream of Paper.
15	Ditto	Ditto	1 Ditto ditto.
16	8 Packets	Officer Commanding V. Battery Rifle Artillery, refused	Flower and Vegetable Seeds.
17	1 Parcel	Munkoo Sing	Native Shoes.
18	Ditto	Master Hutchinson	1 Jacket and Neck Ribbons.
19	Ditto	Augha Yakooob	Native Shoes.
20	Ditto	Lieutenant A. Elderton, refused	2 Bottles Curry Paste.
21	Ditto	Lieutenant Pane	2 Surgical Articles.
22	Ditto	Captain A. Ferguson	1 Bundle Almanacs.
			1 Bundle Quills
23	Ditto	Meer Ahmed Khan, Peshawur	1 Stone Bottle Ink.
24	Ditto	Without address	4 Benares Duputtah.
25	Ditto	Dr. Hare, (refused)	1 Piece Kinkhab.
26	Ditto	Mr. Crayden, Saddler, Simlah, (refused)	1 Syringe.
27	Ditto	3rd Seikh Infantry, refused	1 Bridle.
28	Ditto	Corporal Knox, 71st Regiment	1 Paper.
29	Ditto	Without address	3 Balls Shoe-makers' Thread.
30	1 Parcel	Mrs. Brenun	3 Pairs Check Pantaloon.
31	1 Ditto	Luchmun Rao	Shoes and a Tin Case.
32	1 Ditto	Major A. Light, 21st Field Battery, refused	Fish.
			2 Pairs Regimental Pantaloon.
33	1 Ditto	Without address	1 Small box containing Pebbles and Crystals, and 1 small piece of Gold.
34	1 Ditto	T. D. Madden, Esquire	3 Cakes of Paints.
35	1 Ditto	Baboo Womachurn Chatterjee	1 Tin Canister, contents unknown.

G. PATON,  
Post-Master General, N. W. P.



SECOND SUPPLEMENT TO  
**The Calcutta Gazette.**

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WEDNESDAY, SEPTEMBER 14, 1859.

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*Statement of Prices Current in the under mentioned Districts*

ARTICLES.	PATNA.				BEHAR.						SARUN.		CHUM-	
	Patna.		Dinapore.		Gya.		Behar, 40 miles from the Sud-der Station.		Sherghotty, 20 miles from the Sudder Station.		Chuprah, Sud-der Bazar.		Station Bazar.	
	Srs.	C.	Srs.	C.	Srs.	C.	Srs.	C.	Srs.	C.	Srs.	C.	Srs.	C.
Attah ... .. per Rupee -	17	0	15	6	14	8	15	0	12	8	16	0	18	0
Barley, (Jow)        "   " -	33	0	26	15½	22	0	25	0	21	0	31	8	42	0
Bhoosa, White       "   " -	120	0	80	0	35	0	140	0	100	0	70	0	0	0
"   Missa       "   " -	140	0	90	0	130	0	170	0	120	0	80	0	0	0
Cotton               "   " -	3	4	2	0	2	4	1	14	1	12	1	14	0	0
Dal, Urhur           "   " -	23	0	22	0	17	0	18	0	16	8	23	0	16	0
"   Gram       "   " -	18	0	18	0	15	0	18	0	13	0	19	0	0	0
"   Khesaree   "   " -	27	0	26	1½	19	0	22	0	17	0	24	0	22	0
"   Muskullye   "   " -	24	0	20	0	16	0	0	0	16	8	0	0	0	0
"   Moong       "   " -	18	0	18	0	16	0	12	0	10	8	11	8	0	0
"   Mussoor   "   " -	24	0	22	0	19	0	22	8	16	8	22	0	22	0
"   Muttur     "   " -	19	0	0	0	17	8	21	0	0	0	21	0	0	0
Firewood            "   " -	140	0	140	0	200	0	220	0	240	0	170	9	400	0
Ghee, Cows'         "   " -	1	10	0	0	2	2	1	12	2	6	1	2	2	12
"   Buffaloes'   "   " -	2	2	2	6	2	6	2	8	0	0	2	0	0	0
Gram, (Boot) 1st sort   "   " -	27	0	24	0	20	0	22	0	17	0	26	0	0	0
"       "   2nd sort   "   " -	29	0	25	0	21	0	23	0	18	0	27	0	0	0
Grass, Dry           "   " -	90	bds	0	0	0	0	0	0	320	0	0	0	0	0
Joar                 "   " -	22	0	25	0	21	0	18	0	0	0	26	0	0	0
Oil, Cocoonut       "   " -	2	0	2	2	2	0	1	10	0	0	1	14	0	0
"   Linseed     "   " -	5	0	4	8	5	8	5	8	6	0	4	4	6	8
"   Mustard    "   " -	4	12	4	0	5	12	5	8	5	8	4	0	5	8
Paddy, (Dhan)       "   " -	34	0	27	0	24	0	25	0	20	0	27	0	42	0
Potatoes            "   " -	0	0	16	0	0	0	13	0	0	0	0	0	0	0
Rice, Autub, Table or fine } Grain }	10	0	0	0	12	8	15	8	64	0	10	0	0	0
"       "   small Grain -	13	0	10	8	0	0	16	8	15	0	10	8	0	0
"   Moongib     "   " -	0	0	0	0	0	0	0	0	0	0	0	0	0	0
"   Ballam      "   " -	0	0	0	0	0	0	0	0	0	0	0	0	0	0
"   Khairee     "   " -	0	0	0	0	0	0	0	0	0	0	0	0	0	0
"   Sollie       "   " -	0	0	0	0	0	0	0	0	0	0	0	0	0	0
"   Khajla, or Nona or Pinky	0	0	0	0	0	0	0	0	0	0	0	0	0	0
"   coarse or common -	21	0	0	0	0	0	0	0	0	0	0	0	0	0
"   cheapest sort -	22	8	19	0	18	0	0	0	0	0	20	8	21	0
Salt, 1st sort       "   " -	9	0	8	0	7	12	0	0	7	0	8	0	0	0
"   2nd sort     "   " -	9	12	8	8	8	0	0	0	0	0	8	4	0	0
"   Samber      "   " -	0	0	0	0	0	0	0	0	0	0	0	0	0	0
"   Pangah      "   " -	9	0	8	8	7	12	8	8	0	0	8	0	7	8
Sugar Cane           "   " -	4	0	3	8	4	0	4	0	0	0	4	0	0	0
"   Date        "   " -	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Wheat, (Gaho)       "   " -	21	0	19	3	18	0	19	0	15	8	0	0	22	0

*Stations, and Markets, as on the 31st August 1859.*

PARUN.									
District Bazar.	Bhaugulpore.	Monghyr.	Tirhoot.	Purneah.	Rajshahye.	Pubnah.	Rungpore.	Bograh.	Dinagpore.
Srs. C.	Srs. C.	Srs. C.	Srs. C.	Srs. C.	Srs. C.	Srs. C.	Srs. C.	Srs. C.	Srs. C.
19 0	20 0	16 0	16 0	15 0	12 0	14 0	10 2	9 12	11 0
43 0	33 12	33 0	28 12	40 0	0 0	0 0	0 0	0 0	0 0
0 0	150 0	120 0	120 0	50 0	37 8	64 0	47 13	60 0	82 0
0 0	200 0	150 0	0 0	64 0	52 8	0 0	47 13	60 0	90 0
0 0	0 0	1 10	2 0	1 14	2 1	3 0	1 8 $\frac{3}{4}$	1 11	1 8
17 8	21 4	22 0	16 0	14 0	15 0	21 4	9 0	15 12	11 0
0 0	20 0	18 0	16 0	19 0	13 8	16 0	9 0	12 0	15 8
23 0	25 0	23 0	21 0	32 8	26 4	48 12	18 0	26 4	19 12
0 0	25 0	25 0	21 0	0 0	18 0	21 4	11 13	20 4	15 8
0 0	0 0	14 0	10 0	14 0	9 0	16 0	9 0	15 0	7 8
23 0	21 4	20 0	19 0	25 0	20 10	32 0	11 13	19 8	13 0
0 0	25 0	24 0	21 0	27 8	22 8	36 4	14 10	21 0	15 8
0 0	150 0	140 0	160 0	200 0	160 0	280 0	192 bdls	240 0	160 0
3 0	1 11 $\frac{1}{2}$	1 10	1 4	1 8	1 11	2 4	1 6 $\frac{1}{2}$	1 8	1 9
0 0	1 15 $\frac{1}{4}$	1 12	2 4	2 0	0 0	0 0	1 8 $\frac{3}{4}$	1 8	2 4
0 0	31 4	29 0	27 0	28 0	24 6	32 0	11 13	15 12	24 0
0 0	32 8	30 8	28 0	30 0	25 2	35 0	14 10	16 8	0 0
0 0	0 0	14 bdls	0 0	32 bdls	0 0	3 bdls	0 0	0 0	0 0
0 0	35 0	30 8	0 0	30 0	0 0	0 0	0 0	0 0	0 0
0 0	2 0	1 14	1 4	2 0	2 8	3 0	1 6 $\frac{1}{2}$	1 8	2 0
0 0	3 2	4 0	5 4	3 0	0 0	6 4	1 2	0 0	0 0
0 0	4 6	4 8	5 0	5 12	4 8	6 0	3 10 $\frac{1}{2}$	4 8	3 15
43 0	37 8	31 0	29 0	55 0	33 12	50 0	51 7 $\frac{1}{2}$	45 0	43 0
0 0	0 0	13 0	15 0	16 0	6 0	0 0	23 10	0 0	17 8
0 0	13 12	11 0	0 0	14 4	10 0	14 0	6 8	18 12	18 4
0 0	16 4	13 0	19 0	20 0	0 0	16 0	7 5	16 8	22 0
0 0	0 0	0 0	0 0	0 0	0 0	24 0	0 0	0 0	0 0
0 0	0 0	0 0	0 0	0 0	0 0	20 0	0 0	0 0	0 0
0 0	0 0	0 0	0 0	0 0	0 0	0 0	18 0	21 0	0 0
0 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0
0 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0
0 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0
22 0	22 8	20 0	18 0	30 0	20 4	29 0	23 10	26 4	0 0
0 0	9 6	0 0	8 0	8 0	9 13	0 0	0 0	9 6	9 4
0 0	0 0	0 0	9 0	8 4	0 0	0 0	0 0	0 0	9 6
0 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0	5 4
8 0	9 6	8 12	0 0	8 0	9 10 $\frac{1}{2}$	13 0	7 14	9 12	9 4
0 0	3 12	3 12	4 0	3 4	3 9	4 4	2 13	3 0	3 0
0 0	0 0	0 0	0 0	0 0	0 0	6 4	0 0	0 0	0 0
23 0	22 8	21 0	19 0	23 0	20 0	26 4	18 0	21 0	18 0

*Statement of Prices Current in the under-mentioned Districts.*

ARTICLES.	Dacca.	Furzedpore.	Sylhet.	Cachar.	Mymensing.	BACKERGUNGGE.	
						Barrisaul.	Nulchitty.
	Srs. C.	Srs. C.	Srs. C.	Srs. C.	Srs. C.	Srs. C.	Srs. C.
At tah ... per Rupee	12 8	8 0	8 0	0 0	0 0	9 0	8 0
Barley, (Jow) " "	32 0	30 0	4 0	0 0	0 0	20 0	0 0
Bhoosa, White " "	65 0	0 0	30 8	0 0	0 0	32 0	100 0
" Missa " "	70 0	0 0	32 8	0 0	0 0	50 0	80 0
Cotton " "	1 8	1 8	2 0	5 5	0 0	0 0	0 0
Dal, Urhür " "	15 0	14 8	12 0	10 12	13 0	13 0	13 4
" Gram " "	15 0	15 8	11 0	13 5	13 0	13 0	13 4
" Khesaree " "	32 0	40 0	17 0	16 0	21 0	28 0	31 4
" Muskullye " "	21 0	16 0	14 0	0 0	16 0	16 0	0 0
" Moong " "	13 0	8 0	11 0	10 12	11 0	9 0	0 0
" Mussoor " "	14 0	21 0	13 0	10 12	16 0	13 0	13 4
" Muttur " "	28 0	29 0	16 0	16 0	16 0	21 0	20 0
Firewood " "	150 0	100 0	180 0	11 bdls	0 0	32 bdls	100 0
Ghee, Cows' " "	1 14	1 7	2 0	1 12	1 4	1 8	1 8
" Buffaloes' " "	1 8	1 7	0 0	1 14	0 0	1 12	0 0
Gram, (Boot) 1st sort " "	21 0	0 0	10 0	0 0	16 0	18 0	18 0
" " 2nd sort " "	22 0	0 0	21 0	0 0	17 0	22 8	20 0
Grass, Dry " "	4 bdls	0 0	127 bdls	0 0	0 0	0 0	0 0
Joar " "	0 0	0 0	0 0	0 0	0 0	0 0	0 0
Oil, Cocanutt " "	2 8	2 2	2 0	0 0	0 0	2 4	2 5
" Linseed " "	0 0	0 0	4 0	0 0	0 0	2 14	0 0
" Mustard " "	4 8	4 4	3 8	2 12	3 12	4 0	5 0
Paddy, (Dhan) " "	40 0	35 0	50 0	32 0	0 0	32 0	0 0
Potatoes " "	10 0	0 0	15 8	0 0	0 0	10 0	0 0
Rice, Autub, Table or fine Grain }	8 0	0 0	14 0	0 0	0 0	13 0	0 0
" " small Grain -	7 8	10 0	17 8	16 0	0 0	14 0	0 0
" Moonghy " "	0 0	0 0	0 0	0 0	0 0	0 0	0 0
" Ballam " "	0 0	19 0	0 0	0 0	0 0	15 0	16 0
" Khairee " "	0 0	0 0	0 0	0 0	0 0	0 0	0 0
" Sollie " "	0 0	0 0	0 0	0 0	0 0	18 0	20 0
" Khajla, or Nonaor Pinky	0 0	0 0	0 0	0 0	0 0	16 0	0 0
" coarse or common -	21 0	0 0	17 12	0 0	0 0	0 0	0 0
" cheapest sort -	23 0	22 0	21 0	16 0	21 0	20 0	0 0
Salt, 1st sort " "	9 0	0 0	9 0	0 0	8 0	0 0	0 0
" 2nd sort " "	9 0	0 0	9 8	8 0	0 0	0 0	0 0
" Samber " "	0 0	0 0	0 0	0 0	0 0	0 0	0 0
" Pangah " "	9 4	0 0	9 4	0 0	0 0	9 0	8 12
Sugar Cane " "	3 4	2 4	2 4	2 0	4 0	3 0	3 3
" Date " "	4 0	3 12	4 0	4 0	0 0	4 0	5 0
Wheat, (Gaho) " "	15 0	21 0	11 0	0 0	0 0	13 0	0 0



*Stations, and Markets, as on the 31st August 1859. (Continued.)*

Tipperah.	Bulloah.	Nuddea.	Baraset.	Jessore.	Moorsheadabad.	Burdwan.	Hoghly.	Bahoorah.	Beerbhoom.
Srs. C.	Srs. C.	Srs. C.	Srs. C.	Srs. C.	Srs. C.	Srs. C.	Srs. C.	Srs. C.	Srs. C.
6 6	5 0	10 10	10 8	10 0	13 0	10 8	10 10	9 8	12 0
10 0	0 0	0 0	20 0	32 0	25 0	26 4	23 0	0 0	0 0
0 0	22 0	42 8	32 0	32 0	38 0	41 4	40 0	42 0	32 0
0 0	0 0	65 0	42 8	64 0	40 0	45 0	45 0	60 0	36 0
1 12	4 8	0 0	2 4	1 14	1 15	2 4	1 13	2 0	2 0
10 10	11 0	16 0	13 0	16 0	17 0	21 0	16 0	14 8	18 0
12 12	11 0	14 0	13 0	13 5	15 0	18 0	13 5	0 0	14 0
21 5	21 0	24 0	21 4	32 0	21 0	25 2	24 0	18 0	18 0
18 4	16 0	18 0	20 0	16 0	15 0	20 4	20 0	0 0	11 0
10 10	12 0	9 0	13 5	0 0	7 8	12 6	11 0	13 0	8 0
17 1	14 0	21 0	18 0	0 0	20 0	24 0	21 4	0 0	16 0
21 5	0 0	21 8	20 0	22 10½	21 0	22 8	21 4	14 0	0 0
32 bdl's	7 bdl's	160 0	160 0	64 bdl's	115 0	142 8	0 0	300 0	180 0
1 12	0 0	1 10	1 2	1 12	1 8	1 2	1 4	1 8	2 0
0 0	1 12	0 0	1 8	0 0	1 11	1 15½	1 8	2 0	1 14
18 4	0 0	23 0	18 0	0 0	24 0	25 8	22 14	14 0	20 0
0 0	15 0	24 8	20 0	0 0	25 0	26 4	24 0	15 0	0 0
0 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0	8 bdl's	0 0
0 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0
2 4	2 8	2 4	2 8	2 2	2 0	2 10	2 14	2 4	2 0
0 0	4 8	4 4	3 0	0 0	4 0	3 3	3 1½	0 0	3 8
4 4	4 4	3 14	4 8	3 4	3 12	4 12½	4 8	0 0	4 4
0 0	40 0	26 10	26 0	35 0	24 0	27 12	26 10	23 0	26 0
10 10	0 0	6 8	13 0	8 0	0 0	12 0	16 0	0 0	0 0
10 10	17 0	6 8	11 8	13 5	9 0	7 8	6 12	16 8	11 0
0 0	15 0	7 2	12 0	14 0	9 8	8 4	8 0	0 0	0 0
0 0	0 0	15 0	0 0	0 0	0 0	0 0	14 8	0 0	0 0
0 0	0 0	0 0	14 0	0 0	0 0	0 0	13 5	0 0	0 0
0 0	0 0	0 0	18 0	0 0	0 0	0 0	15 8	0 0	0 0
0 0	0 0	0 0	0 0	0 0	0 0	0 0	11 0	0 0	0 0
0 0	0 0	18 8	0 0	0 0	15 0	0 0	0 0	0 0	0 0
0 0	20 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0
26 10	26 0	19 0	0 0	20 0	17 0	17 10	16 0	0 0	19 0
0 0	0 0	0 0	0 0	0 0	9 8	10 14	5 0	0 0	0 0
0 0	0 0	0 0	0 0	0 0	9 12	11 4	5 4	0 0	9 0
7 1	5 8	0 0	0 0	0 0	0 0	0 0	5 0	0 0	0 0
8 8	9 0	10 0	9 8	8 0	7 12	10 14	10 10	9 8	0 0
0 0	3 0	2 12	3 0	3 0	3 4	3 12	3 5	0 0	3 4
0 0	5 0	3 0	4 0	4 8	0 0	0 0	4 4	0 0	0 0
0 0	13 0	17 8	15 0	16 0	19 0	16 8	16 0	14 0	16 8

*Statement of Prices Current in the under-mentioned Districts.*

ARTICLES.	MIDNAPORE.				Cuttack.	Balasore.	Pooree.
	Midnapore.	Bazar Ballee-gharee.	Gurbettah.	Tumlook.			
	Srs. C.	Srs. C.	Srs. C.	Srs. C.	Srs. C.	Srs. C.	Srs. C.
Attah ... .. per Rupee -	9 6	8 0	11 0	9 0	21 0	13 0	15 12
Barley, (Jow) " " -	15 0	0 0	0 0	18 0	0 0	0 0	0 0
Bhoosa, White " " -	34 0	0 0	40 0	45 0	84 0	50 0	40 0
" Missa " " -	37 8	0 0	42 0	0 0	84 0	64 0	84 0
Cotton " " -	1 14	2 4	0 0	1 15	2 2	2 4	0 0
Dal, Urhur. " " -	14 0	16 0	15 0	13 0	19 11	13 0	14 7
" Gram " " -	10 0	0 0	12 0	11 0	7 14	11 0	11 2½
" Khesaree " " -	22 0	20 0	21 0	21 4	36 12	16 0	28 14
" Muskullye " " -	0 0	18 8	18 0	20 0	0 0	0 0	21 0
" Moong " " -	15 0	13 0	13 0	10 8	15 12	13 0	17 1
" Mussoor " " -	16 0	18 0	16 0	16 0	14 6	14 0	12 7½
" Muttur " " -	0 0	0 0	0 0	19 0	0 0	0 0	0 0
Firewood " " -	200 0	0 0	800 0	160 0	367 8	220 0	0 0
Ghee, Cows' " " -	1 9	1 4	1 10	1 6	1 15½	1 10	1 14
" Buffaloes' " " -	1 10	1 8	1 14	1 8	2 2	0 0	2 0
Gram, (Boot) 1st sort " -	12 8	18 0	18 0	19 0	11 13	16 0	15 12
" " 2nd sort " -	13 0	20 0	19 0	21 4	13 2	0 0	0 0
Grass, Dry " " -	0 0	0 0	0 0	0 0	0 0	0 0	0 0
Joar " " -	0 0	0 0	0 0	0 0	0 0	0 0	0 0
Oil, Cocoonut " " -	2 6	0 0	2 8	2 8	2 15½	2 4	3 4
" Linseed " " -	3 6	4 8	0 0	0 0	3 15	0 0	3 15
" Mustard " " -	3 12	4 0	4 8	4 4	4 14½	4 0	3 15
Paddy, (Dhan) " " -	30 0	33 0	34 0	30 0	91 14	45 0	73 8
Potatoes " " -	6 0	0 0	0 0	10 0	8 8½	0 0	0 0
Rice, Autub, Table or fine Grain )	12 0	16 0	19 0	11 0	23 10	14 0	36 12
" " small Grain -	13 0	20 0	20 0	0 0	22 5	16 0	30 8
" Moonghy " " -	0 0	0 0	0 0	0 0	0 0	0 0	0 0
" Ballam " " -	0 0	0 0	0 0	0 0	0 0	0 0	0 0
" Khairee " " -	0 0	0 0	0 0	0 0	0 0	0 0	0 0
" Sollie " " -	0 0	0 0	0 0	0 0	0 0	0 0	0 0
" Khajla, or Nona or Pinky	0 0	0 0	0 0	0 0	0 0	0 0	0 0
" coarse or common -	19 0	22 0	0 0	0 0	0 0	0 0	0 0
" cheapest sort -	20 0	24 0	0 0	0 0	47 4	22 0	42 0
Salt, 1st sort " " -	0 0	0 0	10 0	0 0	0 0	0 0	22 0
" 2nd sort " " -	0 0	0 0	10 0	0 0	21 0	0 0	0 0
" Samber " " -	0 0	0 0	0 0	0 0	3 4½	4 0	0 0
" Pangah " " -	10 0	12 15	0 0	13 0	16 0	17 0	0 0
Sugar Cane " " -	3 2	4 8	5 0	3 12	0 0	3 4	0 0
" Date " " -	0 0	0 0	0 0	0 0	0 0	0 0	0 0
Wheat, (Gaho) " " -	13 0	0 0	17 0	14 0	32 2½	21 0	22 0

*Stations, and Markets, as on the 31st August 1859.—(Concluded.)*

Gawalparah.	Durrung.	Kamroop.	Sibsagar.	Manbhoom.	Ramree.	Darjeeling.	Akyab.
Srs. C.	Srs. C.	Srs. C.	Srs. C.	Srs. C.	Srs. C.	Srs. C.	Srs. C.
9 0	8 0	7 0	6 8	19 0	0 0	6 0	3 8
0 0	0 0	0 0	0 0	32 0	0 0	0 0	0 0
0 0	0 0	0 0	0 0	64 0	0 0	0 0	13 0
60 0	0 0	0 0	0 0	64 0	0 0	0 0	10 0
2 8	0 0	0 0	0 0	1 8	0 0	1 0	1 0
14 0	10 0	9 0	10 0	16 0	0 0	5 0	16 0
13 0	0 0	0 7	0 0	11 4	0 0	6 0	16 0
35 0	20 0	26 0	16 0	16 0	0 0	8 0	25 0
28 0	3 0	14 0	0 0	14 0	0 0	7 0	20 0
8 0	4 8	7 0	10 0	15 0	0 0	0 0	8 0
23 0	18 0	20 0	11 0	16 0	0 0	5 0	16 0
22 0	0 0	0 0	11 0	16 0	0 0	0 0	16 0
7 bdl.	0 0	16 bdl.	0 0	320 0	66 bdl.	140 0	8 ps.
1 8	1 3	1 4	1 4	2 2	0 0	0 12	1 0
1 6	1 3	1 4	1 4	2 4	0 0	2 8	1 4
23 0	0 0	0 0	0 0	16 0	0 0	8 0	12 0
25 0	0 0	12 0	0 0	17 0	0 0	10 0	13 0
0 0	0 0	0 0	0 0	0 0	0 0	0 0	4 bdl.
0 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0
2 0	2 0	1 12	0 0	2 0	0 0	1 8	2 0
0 0	0 0	0 0	0 0	0 0	0 0	0 12	3 0
4 8	3 14	4 0	3 0	5 0	0 0	2 12	3 0
40 0	0 0	0 0	0 0	33 0	25 0	0 0	24 0
20 0	0 0	12 0	0 0	0 0	0 0	32 to 40	8 0
11 0	11 0	0 0	10 0	15 0	11 0	5 0	8 0
13 0	0 0	0 0	0 0	17 12	0 0	8 0	12 0
0 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0
0 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0
0 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0
17 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0
19 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0
0 0	0 0	16 0	23 0	0 0	0 0	0 0	0 0
20 0	20 0	16 0	0 0	0 0	12 0	10 0	0 0
9 0	8 0	8 0	7 0	0 0	0 0	5 0	20 0
9 4	0 0	0 0	0 0	0 0	0 0	5 8	24 0
0 0	0 0	3 0	0 0	0 0	0 0	0 0	0 0
0 0	0 0	0 0	0 0	8 0	60 0	0 0	20 0
3 0	0 0	3 0	2 8	2 4	0 0	2 0	3 0
4 8	0 0	0 0	0 0	0 0	0 0	0 0	4 0
22 0	0 0	0 0	0 0	16 0	0 0	0 0	10 0

By order of the Board of Revenue, Lower Provinces,

E. T. TREVOR,  
Secretary.

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PRINTED BY THOMAS JONES, AT THE BENGAL SECRETARAT OFFICE.

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SUPPLEMENT TO

**The Calcutta Gazette.**

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WEDNESDAY, SEPTEMBER 14, 1859.

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*STATEMENT of Rates at which the under-mentioned Articles of Commissariat Supply have been purchased and*

	Bread.	Beef.	Mutton.	Sugar.	Rice.	Salt.	Vegetables.	Firewood.	Hospital Clothing. Cooking Utensils.	Gram picked.	Ottah.	Bhoosah.	Gram unpicked.	Fodder, Green.	Barrack Bedding. Hospital Bedding.	Paddy, Straw.
Presidency or Calcutta	11 leaves per Rupee.	11 Rupees 9 annas per 100 lbs.	18 Rupees 1 anna per 100 lbs.	2 annas 5 pie per lb.	7½ pie per lb.	2 annas per lb.	5½ pie per lb.	5 annas 11 pie per 100 lbs.	10 Rs. 12 annas 2 pie per Set. 67 Rs. 10 annas 6 pie per Set.	2 Rs. 3 annas per maund.	2 Rs. 15 annas per maund.	...	2 Rs. 1 anna per maund.	...	20 Rupees 15 annas per Set.	1 md. 37½ seers per Rupee.
Barrackpore																
Chinsurah																
Dum-Dum																
Berhampore																
Sumbulpore																
Port Blair																
Raneeggunge	11 lbs. per Re.	7 Rs. per 100 lbs.	14-8 per 100 lbs.	7 lbs. per Re.	24 lbs. per Re.	12 lbs. per Re.	32 lbs. per Re.	350 lbs. per Re.	21-9-9 per Set.	2-4 per md.			2-1 per md.		6-8 per Set.	2 Mds. 22 seers 8 chittacks
Hazareebaugh																
Dinapore	11½ lbs.	7 11 11½	11 4 0½	3 s. 8 c.	10 s. 8 c.	14 s. 8 c.	2½ pie	245 lbs.	0 0 25 s.	17 s. 4 c.	2 m. 30 s.	26 s.	0 0 0 0	0 0 0 0	0 0 0 0	2m 20
Bankipore	8	9 13 3½	13 5 10½	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0
Arrah	7	9 13 3½	13 5 10½	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0
Buxar	7	9 13 3½	13 5 10½	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0
Chuprah	6	9 13 3½	13 5 10½	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0
Mozufferpore	6	9 13 3½	13 5 10½	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0
Motechary	6	9 13 3½	13 5 10½	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0
Darjeeling	6	12 8 0	15 8 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0
Julpigoree		0	0	0	0	0	0	0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0
														14 annas ea. Ele- phant.		
Benares	p. 100 lbs.	p. 100 lbs.	p. 100 lbs.	per Re.	per Re.	per Re.	per lb.	per Re.	per Re.	per Re.	per Re.	per Re.				
Jounpore	12	8 12	10 12	3 s. 11 c.	8 s. 12 c.	6 s. 6 c.	6 pie	3 m. 10 s.	0 0 19 s. 5½ c.	15 s. 4 c.	1 m. 53 s. 2 c.	0 0	0 0	0 0	0 0	0 0
Azimghur	12	8 12	10 12	4 s. 2 c.	7 s. 8 c.	0 s.	6 pie	3 m.	0 0 20 s.	14 s. 15 c.	2 m. 15 s.	0 0	0 0	0 0	0 0	0 0
Gazepore	12	8 12	10 12	2 s. 12 c.	9 s.	4 s.	6 pie	2 m. 20 s.	0 0 17 s.	14 s. 4 c.	1 m. 20 s.	0 0	0 0	0 0	0 0	0 0
Goruckpore	12	8 12	10 12	3 s. 2 c.	10 s.	6 s.	6 pie	3 m. 5 s.	0 0 23 s. 12 c.	15 s. 10 c.	3 m. 5 s.	0 0	0 0	0 0	0 0	0 0
Buxtee	12	8 12	10 12	0 0 0	0 0 0	0 0 0	6 pie	10 m.	0 0 21 s.	16 s.	2 m. 20 s.	0 0	0 0	0 0	0 0	0 0
Chunar	12	8 12	10 12	3 s. 4 c.	10 s. 8 c.	5 s. 12 c.	6 pie	4 m.	0 0 19 s. 12 c.	15 s.	2 m. 20 s.	0 0	0 0	0 0	0 0	0 0
Sasseerani	12	8 12	10 12	0	9 s.	8 s.	6 pie	5 m.	0 0 16 s.	14 s. 8 c.	2 m.	0 0	0 0	0 0	0 0	0 0
Mhow	0	0	0	0	0	0	0	0	0 0 23 s.	0	0	0	0	0	0 0	0
Gwalior	0	0	0	0	0	0	0	0	0 0 20 s. 14 c.	0	0	0	0	0	0 0	35 s.
Command	0	0	0	0	0	0	0	0	0 0 20 s. 10 c.	0	0	0	0	0	0 0	35 s.
Saugor	No issues to European Troops during the month.								p. Rupee. 600 lbs.	per Rupee. 1 md. 5 srs. 8 chits.	per Re. 25 seers	0	0	0	0 0	0
Dacca	10 lbs.	11 4	13 3 4	5 lbs 14 oz.	13 lbs 4 oz.	20 lbs 9 oz.	0 0 2	3½ md.	0 0 20 s.	0	0	0	0	0	0 0	4 ms
Cheerapoonjee	0	0	0	0	0	0	0	0	0 0 0	0	0	0	0	0	0 0	0
Cachar	0	0	0	0	0	0	0	0	0 0 0	0	0	0	0	0	0 0	0
Chittagong	0	0	0	0	0	0	0	0	0 0 0	0	0	0	0	0	0 0	0
Furreedpore	0	0	0	0	0	0	0	0	0 0 0	0	0	0	0	0	0 0	0
Debrooghur	0	0	0	0	0	0	0	0	0 0 0	0	0	0	0	0	0 0	0
Gowhatty	0	0	0	0	0	0	0	0	0 0 0	0	0	0	0	0	0 0	0

DEPT. COMMY. GENL.'S OFFICE;  
LOWER CIRCLE,  
Fort William, the 1st August 1859.



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PRINTED BY THOMAS JONES, AT THE BENGAL SECRETARIAT OFFICE.



# The Calcutta Gazette.

SATURDAY, SEPTEMBER 17, 1859.

## Legislative Council of India.

THE 6TH SEPTEMBER 1859.

THE following Act, passed by the Legislative Council of India, received the assent of the Right Honorable the Governor General this-day, and is hereby promulgated for general information:—

Act No. XXIV of 1859.

*An Act for the better regulation of the Police within the territories subject to the Presidency of Fort St. George.*

*Preamble.* It is expedient to make the Police more efficient throughout the Madras Presidency, and to re-organize the Police Force and improve the condition of the Village Police: it is enacted as follows:—

I. The following words and expressions in this Act shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction, (that is to say),

The word "Magistrate" shall include all persons, within their respective jurisdictions, exercising all or any of the powers of a Magistrate.

The word "Subordinate," as applied to Police functionaries, shall mean District Superintendents and their Assistants.

The word "Police" shall include General and Village Police, Cuttobadics, Kavilgars, and all other persons, by whatever name known, who exercise any Police functions throughout the Madras Presidency.

The expression "General Police District" shall embrace all Districts to which the operation of this Act shall be extended.

The word "property" shall include any chattel, money, or valuable security.

Words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number.

Gender.

males.

"Person."

"Month."

The word "cattle" shall, besides horned cattle, include Elephants, Camels, Horses, Asses, Mules, Goats, and Swine.

Words importing the masculine gender shall include females.

The word "person" shall include company or corporation.

The word "month" shall mean calendar month.

The word "cattle" shall, besides horned cattle, include Elephants, Camels, Horses, Asses, Mules, Goats, and Swine.

II. The several Regulations and Acts mentioned in the Schedule hereto are hereby repealed, and amended to the extent and in the manner therein set forth, within the limits of the General Police District, except so far as they repeal the whole or any part of any other Regulation or Act; and except as to any act or offence which shall have been done or committed, or to any fine or penalty which shall have been incurred or to any proceedings which shall have been commenced, before this Act shall come into operation: provided also that nothing in this Section shall be construed to affect any judicial function or jurisdiction, original or appellate, which by any existing law may be exercised by any of the Officers mentioned in the enactments above repealed.

III. Nothing contained in this Act shall affect the powers of appointment given to Magistrates by Section XL of Regulation XI 1816 of the Madras Code or the jurisdiction or functions of Officers appointed under such powers, save only that no Officer so appointed shall be competent to exercise any of the functions or duties of Executive Police Officers.

IV. The superintendence of the Police throughout the General Police District shall vest in, and be exercised by the Governor in Council, and, except as authorized by him under the provisions of this Act, no person, Officer, or Court shall be empowered to appoint, supersede,

Jurisdiction of Officers appointed under Regulation XI. 1816.

Officers appointed under such powers, save only that no Officer so appointed shall be competent to exercise any of the functions or duties of Executive Police Officers.

Superintendence vested in Governor in Council.

or control any Police functionary, any Regulation Act or usage to the contrary notwithstanding.

V. The administration of the Police throughout the General Police District shall be vested in an Officer to be styled the Inspector-General of Police for the Presidency of Madras, and in such Subordinates as to the Governor in Council shall seem fit, who shall from time to time be appointed by the Governor in Council, and may be removed by the same authority, and who shall receive such salary as the Governor General of India in Council shall allow.

VI. All powers not inconsistent with the provisions of this Act which up to the passing of this Act belonged by law to the existing Police authorities shall be vested in the Police authorities appointed under this Act. Provided always that no Police functionary so appointed shall possess or exercise any Judicial or Revenue authority.

VII. The Inspector-General of Police shall be appointed a Justice of the Peace; he shall also have the full powers of a Magistrate throughout the General Police District, but shall exercise these powers subject to such orders as may from time to time be issued by the Governor in Council. The Governor in Council may vest any District Superintendent of Police with all or any of the powers of a Magistrate within such limits as he may deem proper; but such Superintendent shall exercise the powers with which he shall be so invested only so far as may be necessary for the preservation of the peace, the prevention of crime, and the detection, apprehension, and detention of offenders in order to their being brought before a Magistrate, and as far as may be necessary for the performance of the duties assigned to him by this Act.

VIII. The entire Police establishment of the Madras Presidency shall for the purposes of this Act be deemed to be one Police Force, and shall be formally enrolled, and shall consist of such number of Officers and men, and shall be otherwise constituted in such manner, as shall be from time to time ordered by the Governor in Council with the sanction of the Governor General of India in Council.

IX. The Inspector-General may from time to time, subject to the approval of the Governor in Council, frame such orders and regulations as he shall deem expedient, relative to the general government and distribution of the Force, the places of residence, the classification, rank, and particular service of the Members thereof; their inspection; the description of arms, accoutrements, and other necessities to be furnished to them; to the collecting and communicating intelligence and information; and all such other orders and regulations relative to the said Police Force as the said Inspector-General shall, from time to time, deem expedient for preventing abuse or neglect, and for rendering such Force efficient in the discharge of all its duties.

X. The appointment of all Police Officers shall, under such rules as the Governor in Council shall from time to time sanction, rest with the Inspector-General of Police and the Deputy Superintendents, who may under such rules as aforesaid at any time dismiss, suspend, or fine to any amount not exceeding one month's pay, any Police Officer whom they shall think remiss or negligent in the discharge of his duty, or otherwise unfit for the same.

XI. Every person so appointed shall receive on his enrolment a certificate (A) under the seal of the Inspector-General, by virtue of which he shall be vested with the powers, functions, and privileges of a Police Officer. Such certificate shall cease to have effect whenever the person named in it is suspended or dismissed, or otherwise removed from employment in the Police Force, and shall thereupon be immediately surrendered to his superior Officer, or other person empowered to receive it.

XII. There shall be deducted from the pay of every Police Officer of a class not entitled to the benefit of the Uncovenanted Service Pension Rules, a sum after such rate as the Governor in Council shall direct, not being a greater rate than one anna in the Rupee; which sum so deducted and also the monies accruing from stoppages from the pay of Police Officers during absence from sickness or other cause, and fines imposed on Police Officers for misconduct, and from fines imposed by Magistrates and others upon drunken persons, or for assaults upon Police Officers, and all monies arising from the sale of worn or cast-off clothing, or other articles supplied for the use of the Police, or from any other miscellaneous sources which shall be permitted by the Governor in Council, shall from time to time be invested in such manner and in such securities as the Governor in Council may direct, and the interest and dividends thereof, or so much of the same as shall not be required for the purposes herein mentioned, shall be likewise invested as aforesaid, and accumulate, so as to form a Fund to be called "The Police Superannuation Fund"; and shall be applied from time to time to the payment of superannuation or retiring allowances, or gratuities, under such rules as may be passed by the said Governor in Council: provided always that any Police Officer may be dismissed or removed without superannuation allowance; and that no Police Officer shall be entitled of right to any allowance from this Fund; or shall retain any right to a refund of any deduction made from his pay while he may have been a Police Officer.

XIII. It shall be lawful for the Inspector-General of Police, or any District Superintendent, if they shall think fit, on the application of any person showing the necessity thereof, to depute any additional number of Police Officers to keep the peace at any place within the General Police District, at the charge of the person making the application, but subject to the orders of the said Inspector-General or District Superintendent and for such time as they shall think fit.

provided always that it shall be lawful for the person on whose application such deputation shall have been made, on giving one month's notice in writing to the Inspector-General or District Superintendent, to require that the Officers so appointed shall be discontinued : such person shall be relieved from the charge of such additional Force from the expiration of such notice.

XIV. Whenever any Railway, Canal, or other Public work shall be carried on, or be in operation in any part of the country, and it shall appear to the Inspector-General that the appointment of an additional Police Force in such neighbourhood is rendered necessary by the behaviour or reasonable apprehension of the behaviour of the persons employed upon such work, it shall be lawful for the Inspector-General, with the consent of the Governor in Council, to direct the employment of such additional Force, and to maintain the same so long as such necessity shall continue ; and to make orders from time to time upon the Treasurer or other Officer having the control or custody of the Funds of any Company carrying on such works, for the payment of the extra Force so rendered necessary as aforesaid.

XV. All monies paid in respect of such additional Force as is mentioned in the two last preceding Sections, shall be paid into a fund to be called "The General Police Fund," and shall be applied to the maintenance of the Police Force under such orders as the Governor in Council may pass ; and all sums of money payable under those Sections shall be recoverable by suit in any competent Court or by distress and sale of the goods of the defaulter under the warrant of a Magistrate.

XVI. When it shall appear that any tumult, riot, or outrage has taken place, or may be reasonably apprehended in any place, and that the ordinary Officers appointed for preserving the peace are not sufficient for its preservation, and for the protection of the inhabitants, and the security of property in such place, it shall be lawful for any Police Officer not below the rank of Inspector to apply to the nearest Magistrate to appoint so many of the public or village servants, or residents of the neighbourhood, as such Police Officer may require to act as special Police Officers for such time and in such manner as he shall deem necessary ; and it shall be the duty of such Magistrate at once to comply with such applications.

XVII. Every special Police Officer so appointed shall have the same powers, privileges, and protection, and be liable to all such duties and penalties, and be subordinate to the same authorities as the ordinary Officers of Police.

XVIII. If any person being appointed a special Police Officer as aforesaid, shall without sufficient excuse neglect or refuse to serve as such, or to obey such lawful order or direction as may be given him for the performance of his duties, he shall be liable upon conviction before a Magistrate to a fine not exceeding fifty Rupees for such neglect, refusal, or disobedience.

XIX. No Police Officer shall be at liberty to resign his office, or withdraw himself from the duties thereof, unless expressly allowed to do so in writing by the District Superintendent ; or unless he shall have given to his superior Officer two months' notice in writing of his intention to do so. Nor shall any such Police Officer engage in any employment or office whatever, other than his duties under this Act, unless expressly permitted to do so in writing under the seal of the Inspector-General.

XX. From and after the passing of this Act, every person, not being, or having ceased to be, a duly enrolled Police Officer, who shall unlawfully assume any function or power belonging to the Police ; and who shall not forthwith deliver up his certificate, and all the clothing, accoutrements, and appointments, and other necessities which may have been supplied to him for the execution of his duty ; or who shall have in his possession any distinctive article of the dress or appointment directed to be worn exclusively by the Police Force, without being able to account satisfactorily for his possession thereof ; or who shall put on the dress of any Police Officer, or any dress designed to represent it, or to be taken for it ; or who shall otherwise personate the character or act the part of any Police Officer for any purpose whatever ; shall, in addition to any other punishment to which he may be liable for any offence committed under the assumed character, be liable on conviction before a Magistrate to a penalty not exceeding two hundred Rupees, or to imprisonment, with or without hard labor, for a period not exceeding six months, or both.

XXI. Every Police Officer shall, for all purposes in this Act contained, be considered to be always on duty and shall have the powers of a Police Officer in every part of the General Police District. It shall be his duty to use his best endeavours and ability to prevent all crimes, offences, and public nuisances ; to preserve the peace ; to apprehend disorderly and suspicious characters ; to detect and bring offenders to justice ; to collect and communicate intelligence affecting the public peace ; and promptly to obey and execute all orders and warrants lawfully issued to him.

XXII. It shall be the duty of every Police Officer, and he is hereby authorized, to arrest without warrant—

1. Any person who is charged on credible information, or whom he has reasonable ground to suspect of having been concerned in any grave or forcible crime or outrage.

2. Any person who is charged with committing an aggravated assault, in every case in which he shall have good reason to believe that such assault has been committed, although not in his view, and that by reason of the recent commission of the offence a warrant could not have been issued.



3. Any person committing, or attempting to commit, any breach of the peace in his view, and who refuses to desist on being required thereto.

Persons committing a breach of the peace.

4. Any person found injuring the public buildings, roads, tanks, and water-channels, or committing any offence punishable by law. Provided always that, where such offence is of a slight and petty nature, it shall not be necessary for the Police Officer to arrest, if, from the circumstances of the case, there is no reason to apprehend that the party will abscond.

Persons found injuring public buildings, &c.

Proviso.

5. Any vagrant whom he shall find disturbing the public peace, or whom he shall have good cause to suspect of having committed, or being about to commit a crime; all persons whose name and residence is unknown, or whom he may find by night lying or loitering in any high-way, road, or other place, and who, in either case, are unable to give a satisfactory account of themselves.

Vagrants and suspicious persons.

6. Any person who assaults, resists, or obstructs such Police Officer in the execution of his duty, or aids or excites others so to do.

Persons assaulting Police Officer.

7. All persons who, having been in legal custody, shall have escaped therefrom.

Persons escaping from legal custody.

8. All persons who are charged with having done any injury or damage to the person or property of another, and who refuse to give their name and residence, or who give one which there is ground to believe to be false, may be detained solely for the purpose of ascertaining such name and residence, with a view to future proceedings.

Persons charged with an offence, refusing to give name.

XXIII. Every person taken into custody by any Police Officer, without warrant, except persons detained for the mere purpose of ascertaining their name and residence, shall forthwith be delivered into the custody of the Police Officer in charge of a Station House, in order that such person may be secured until he can be brought before a Magistrate to be dealt with according to law, or may give bail for his appearance before a Magistrate, if the Officer in charge shall deem it prudent to take bail as hereinafter mentioned; provided always that, where bail is not taken, the prisoner shall be brought before a Magistrate within twenty-four hours, unless circumstances render delay unavoidable.

Persons arrested without warrant to be taken to Station house until brought before Magistrate or bailed.

Proviso.

XXIV. Whenever any person shall be brought in custody, without a warrant, to any Station House, at a time when he cannot at once be sent before a Magistrate, and shall be charged with any bailable offence, or with any unbailable offence of which it shall appear to the Officer in charge of the Station House that the prisoner is falsely accused, it shall be lawful for such Police Officer to release the accused on bail or on his own recognizance to appear before the Magistrate when required.

Releasing on bail.

XXV. It shall be lawful for every Police Officer in charge of a Station, or other superior Officer of Police, to bind by recognizance any person to appear as prosecutor or as a witness before the Magistrate by whom any grave charge is being or is about to be investigated; and if any such prosecutor or witness shall refuse to execute such recognizance, it shall be competent to such Officer to forward the person in custody to the Magistrate's Court.

Superior Officer of Police may take recognizance for appearance of prosecutor or witness.

XXVI. Every recognizance so taken shall be without fee or reward and shall be conditioned for the appearance of the person thereby bound before a Magistrate at such time and place as may be required, and the time and place of appearance, and the sum thereby acknowledged, not exceeding one thousand Rupees, shall be specified in the said recognizance, or in the condition thereof; and the Officer taking the recognizance shall return the same forthwith to the Magistrate present at the time and place when and where the party is bound to appear.

XXVII. If from the absence of witnesses, or from any other reasonable cause, it shall become necessary or advisable to defer the examination of any case, or the further examination of any witnesses, it shall be lawful for any Magistrate from time to time by his warrant to remand the accused to the custody of any Police Officer, for such time as he shall deem necessary and reasonable, not exceeding eight clear days, to be secured in any Station House or jail or to be otherwise detained in custody as to the said Magistrate shall appear expedient: provided always that any such Magistrate may order such accused party to be brought before him at any time or place before the expiration of the time for which such accused party shall have been remanded; or may discharge such accused party on his recognizances, with or without sureties, conditioned for his appearance at the time and place appointed for such further examination.

Remands.

Proviso.

XXVIII. It shall be lawful for any Police Officer without a warrant to enter and inspect all drinking shops, gaming houses, and other resorts of loose and disorderly characters; all premises of persons suspected of receiving stolen property; any locality, vessel, boat, or conveyance in any part of which places he shall have just cause to believe that crime has been, or is about to be committed; or which he reasonably suspects to contain stolen property; and then and there to take all necessary measures for the effectual prevention and detection of crime; and to take charge of all property reasonably suspected to have been stolen, and of all articles or things which may serve as evidence of the crime supposed to have been committed.

Entering drinking shops &c. without a warrant.

XXIX. Every Police Officer, not below the grade of Inspector, shall be an Inspector of weights and measures, and may enter any shop or premises for the purpose of inspecting the weights and measures and instruments for weighing kept or used therein, and may seize any weight, measure, or instrument.

Inspection of weights and measures.

weighing, which he may have reason to believe is false.

XXX. No Police Officer shall receive any complaint of any petty offence; or take into his custody any person brought to him accused of such petty offences, trespass, assault, quarrelling, or the like; and it shall be lawful for any Police Officer to refuse to receive any charge of an offence of a grave character, if he shall, on enquiry made of the complainant alone, see good grounds for doubting its truth: provided always that, if the charge be

Proviso. not of such a nature as under ordinary circumstances would justify the Police Officer in refusing to receive it, the particular reasons for refusing it are to be recorded by such Officer at the time.

XXXI. It shall be lawful for any Police Officer to lay any information before the Magistrate, and to apply for summons, warrant, search warrant, or such other legal process as may by law issue, and may be expedient under the circumstances, against any person committing an offence against any law or enactment, or against any regulation for the protection of the Revenue, or against any person committing or failing to remove any public nuisance or unwarrantable obstructions, keeping disorderly houses, harbouring thieves, disturbing the peace, obstructing the due course of justice, and the like, and to prosecute such offenders up to final judgment; provided always that any rewards, forfeitures, and penalties, or shares

of rewards, forfeitures, or penalties, which by law are payable to informers, and all costs of prosecution which may by any enactment be awarded to the prosecutor, shall be paid into the "General Police Fund."

Proviso. XXXII. From and after the passing of this Act, all summonses, warrants, search warrants, warrants of commitment for trial, or orders for the escort and conveyance of prisoners, and all other processes issued by any Officer in any Criminal proceeding, shall be directed and delivered to Officers of the Police alone; and such processes shall be served and executed by them and none others.

XXXIII. Where any such warrant, order, or process shall be directed or delivered to any of the said Officers, unless it be necessary for the due execution thereof that such warrant be executed without delay, the person receiving it shall deliver the same to any Officer authorized for that purpose, who shall take charge of it, and appoint by endorsement thereon one or more Police Officers to execute the same or endorse it to any other Officer for a like purpose; and every Police Officer whose name shall be so endorsed thereon shall have the same powers, privileges, and protection as if the same had originally been directed to him by name; provided also that every such process shall be executed with all secrecy and despatch; and shall have full force in any part of the Madras Presidency except within the limits of the Supreme Court, without further formality or local endorsement; and that all Police authorities shall every where be assisting in the execution of such process.

Warrant to be endorsed. XXXIV. Every summons, notice, or other Criminal process may be served on the party named personally, or be left with some adult male member of his family, or a copy thereof may be affixed on some conspicuous part of his usual place of abode; and any party failing or neglecting to obey such summons or notice duly served, shall be liable, at the discretion of the Magistrate or Court that issued the process, to a penalty not exceeding ten Rupees unless such person shall be able to prove that he was prevented by unavoidable accident or other satisfactory cause from obeying such summons, notice, or the like.

Proviso. XXXV. A Magistrate may, without issuing any summons, forthwith issue his warrant to bring before him any person charged with an offence cognizable by him, or whose attendance it may for any reason be necessary to enforce, whenever it shall appear probable that such person will not attend unless compelled so to do.

XXXVI. A Police Officer executing a warrant of arrest shall notify the substance of the warrant, and if required so to do shall show the warrant.

XXXVII. In making an arrest, the Police Officer executing the warrant shall actually touch or confine the body of the person to be arrested, unless there be a submission to the custody by word or action.

XXXVIII. After arrest the prisoner shall not be subjected to any more restraint than such as may be necessary to prevent his escape.

XXXIX. Any Police Officer authorized by a warrant to arrest a person accused of any offence for which a warrant may issue on complaint, may break open any outer or inner door or window of a dwelling house, whether that of the person accused or of any other person, in order to execute such warrant, if, after notification of his authority and purpose, and demand of admittance duly made, he cannot otherwise obtain admittance.

XL. If information be received that a person accused of any offence for which a warrant may issue, has concealed himself in a Zenanah or female apartment, the Officer employed to execute the warrant shall take such precautions as may be necessary to prevent the escape of the accused; and if such person shall not deliver himself up, the Police Officer authorized to execute the warrant, may break open the Zenanah, and execute the process intrusted to him, giving notice at the same time to any woman in the Zenanah that she is at liberty to withdraw.

XL. Breaking open a Zenanah or female apartment. XL. If information be received that a person accused of any offence for which a warrant may issue, has concealed himself in a Zenanah or female apartment, the Officer employed to execute the warrant shall take such precautions as may be necessary to prevent the escape of the accused; and if such person shall not deliver himself up, the Police Officer authorized to execute the warrant, may break open the Zenanah, and execute the process intrusted to him, giving notice at the same time to any woman in the Zenanah that she is at liberty to withdraw.

XL. Breaking open a Zenanah or female apartment. XL. If information be received that a person accused of any offence for which a warrant may issue, has concealed himself in a Zenanah or female apartment, the Officer employed to execute the warrant shall take such precautions as may be necessary to prevent the escape of the accused; and if such person shall not deliver himself up, the Police Officer authorized to execute the warrant, may break open the Zenanah, and execute the process intrusted to him, giving notice at the same time to any woman in the Zenanah that she is at liberty to withdraw.

XLI. After arrest made, the Police Officer executing the warrant shall without unnecessary delay bring the person arrested before the Magistrate or other authority described in the warrant.

**XLII.** No Police Officer shall offer to the person arrested any inducement, by threat or promise or otherwise, to make any disclosure. But no Police Officer shall prevent the person arrested, by any caution or otherwise, from making any disclosure which he may be disposed to make of his own free will.

**XLIII.** If any Police Officer shall at any time find himself unable to effect an arrest, it shall be lawful for him to require any and every person present to assist and aid him in making the arrest; and any person who shall refuse or neglect to comply with such requisition, shall be liable, on conviction before a Magistrate, to a fine not exceeding fifty Rupees or to imprisonment for a period not exceeding three months, or both.

**XLIV.** Every Police Officer who shall be guilty of any violation of duty or wilful breach of any lawful orders and regulations not punishable under Section X of this Act; or who shall cease to perform the duties of his office without leave, or without having given two months' notice as provided by this enactment, or engage without authority in any employment other than his Police duty; or who shall maliciously and without probable cause prefer any false, vexatious, or frivolous charge or information against any individual; or who shall knowingly and wilfully and with evil intent exceed his powers; or shall be guilty of any wilful and culpable neglect of duty in not bringing any person, who shall be in his custody without a warrant, before a Magistrate as hereinbefore provided; or who shall offer any unwarrantable personal violence to any person in his custody, shall be liable on conviction before a Magistrate to a penalty not exceeding three months' pay, or to imprisonment with or without hard labor not exceeding three months, or both.

**XLV.** Any Police Officer who shall on any pretext, or under any circumstance, directly or indirectly collect or receive any fee, gratuity, diet-money, allowance, or recompense, other than he may be duly authorized by the Inspector-General or other Officer acting under his order to collect or receive, shall on conviction before a Magistrate be liable to a penalty not exceeding six months' pay, or to imprisonment with or without hard labor not exceeding six months, or both.

**XLVI.** Any Police Officer who shall directly or indirectly extort, exact, seek, or obtain any bribe or unauthorized reward or consideration, by any illegal threat, or pretence, or for doing or omitting or delaying to do any act which it may be his duty to do or to cause to be done, or for withholding or delaying any information which he is bound to afford or to communicate; or who shall attempt to commit any of the offences above said, or shall

be guilty of cowardice, shall be liable upon conviction before a Magistrate to a fine not exceeding twelve months' pay, or to imprisonment with or without hard labor not exceeding twelve months, or both. Provided always that nothing in the three last preceding Sections shall be deemed to preclude the Magistrate from committing for trial any cases of this nature too serious for his cognizance.

**XLVII.** If any person shall assault or resist any Police Officer in the execution of his duty; or shall aid or incite any other person so to do; or shall maliciously and without probable cause prefer any false or frivolous charge against any Police Officer; such person shall, on conviction of such offence before any Magistrate, be liable to a fine not exceeding fifty Rupees, or to imprisonment with or without hard labor not exceeding three months, or both.

**XLVIII.** Any person who in any street, road, thoroughfare, or passage, within the limits of any Town, commits any of the following offences, to the obstruction, inconvenience, annoyance, risk, or damage of the residents and passengers, shall, on conviction before a Magistrate, be liable to a fine not exceeding fifty Rupees, or to imprisonment not exceeding eight days; and it shall be lawful for any Police Officer to take into custody without warrant any person who within view commits any such offence.

*First.* Any person who shall slaughter any cattle or clean any carcase in the streets; any person riding or driving any cattle, recklessly and furiously, or training or breaking any horse or other cattle on or near any public road, to the danger of the passers:

*Second.* Any person who wantonly or cruelly abuses or tortures any animal:

*Third.* Any person who shall keep any cattle, or conveyance of any kind standing in any road or street longer than is required for loading or unloading, or for taking up or setting down passengers; or who shall leave any conveyance in such a manner as to cause inconvenience or danger to the public:

*Fourth.* Any person exposing goods for sale on the road so as to obstruct passengers:

*Fifth.* Any person who throws or lays down any dirt, filth, rubbish, or any stones or building materials; or who constructs any pial, cowshed, stable, or the like within the bounds of any thoroughfare; or who causes any offensive

matter to run from any house, factory, dung-heap, or the like into the street :

*Sixth.* Any person found in any thoroughfare drunk and riotous, or incapable of taking care of himself :

*Seventh.* Any person who wilfully and indecently exposes his person, or any offensive deformity or disease, or commits nuisance by easing himself in or by the side of, or near any public street or thoroughfare ; or by bathing or washing in any tank or reservoir, not being a place set apart for that purpose :

*Eighth.* Any person who neglects to fence in or duly to protect any well, tank, or other dangerous place or structure.

**XLIX.** The Superintendent and Superior Officers of Police may, as occasion requires, direct the conduct of all assemblies and processions in the public roads, streets, or thoroughfares, prescribe the routes by which, and

the times at which such processions may pass ; keep order in the public roads, streets, thoroughfares, ghauts, and landing places, and all other places of public resort, and prevent obstructions on the occasion of such assemblies and processions and in the neighbourhood of places of worship during the time of public worship, and in any case when the roads, streets, or thoroughfares, ghauts or landing places, may be thronged, or may be liable to be obstructed ; they may also regulate the use of music in the streets,

on the occasion of native festivals and ceremonies ; and may direct all crowds of twelve or more persons to disperse, when they have reason to apprehend any breach of the peace ; and every person opposing, or not obeying the orders so issued as aforesaid, or violating the conditions of such license, shall be liable to a fine not exceeding one hundred Rupees. Provided always that nothing in this Section contained shall be deemed to interfere with the general control of the Magistrate over such matters.

**L.** In all cases of convictions under this Act, the Magistrate trying the case shall be restrained within the limits of his ordinary jurisdiction as to the amount of fine or imprisonment he may inflict ; provided always that such charges against Police Officers above the rank of a Private shall only be adjudicated on by European functionaries, and that Village Watchers alone shall be liable to conviction by Heads of Villages.

**LI.** Nothing contained in this Act shall be construed to prevent any person from being prosecuted for any offence made punishable on conviction by this Act ; or to prevent any person from being liable under any other Law, Regulation, or Act to any other or higher penalty

or punishment than is provided for such offence by this Act. - Provided always that no person shall be punished twice for the same offence.

**LII.** All fines and penalties imposed, and all sums of money recoverable under the authority of this Act, may, in case of non-payment thereof, be levied by distress and sale of the goods and chattels of the offender by warrant of the Magistrate, in manner provided by Act II of 1839.

**LIII.** All actions and prosecutions against any person, which may be lawfully brought for anything done or intended to be done under the provisions of this Act, or under the general Police powers is hereby given, shall be commenced within three months after the act complained of shall have been committed, and not otherwise ; and notice in writing of such action, and of the cause thereof, shall be given to the defendant, or to the Superintendent or other Superior Officer of the District in which the act was committed, one month at least before the commencement of the action ; and no plaintiff shall recover in any such action, if tender of sufficient amends shall have been made before such action brought, or if a sufficient sum of money shall have been paid into Court after such action brought by or on behalf of the defendant ; and though a decree shall be given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant, unless the Judge, before whom the trial shall be, shall certify his approbation of the action ; provided always that no action shall in any case lie where such Officers shall have been prosecuted criminally for the same act.

**LIV.** When any action, prosecution, or proceeding shall be brought against any Police Officer for any act done by him in such capacity, it shall be lawful for him to plead that such act was done by him under the authority of a warrant issued by a Magistrate ; and such plea shall be proved by the production of the warrant directing the act and purporting to be signed by a Magistrate. And the defendant shall thereupon be entitled to a decree in his favor, notwithstanding any defect of jurisdiction in such Magistrate. And no proof of the signature of such Official shall be necessary, unless the Court shall see reason to doubt its being genuine ; provided always that any remedy which the party may have against the authority issuing such warrant shall remain entire.

**LV.** This Act shall take effect in any and every such District as the Governor in Council shall appoint by notification published in the Official Gazette.

# SCHEDULE.

The following words in Section XXXVI of Regulation IX. 1816  
Laws repealed. "The Officer entrusted with the service of the summons in such cases, as well as in all other cases wherein bail may not be



required, shall demand only an acknowledgment of the receipt of it, and in the absence of the party, the summons may be served on the principal person in his house or family, if such person be willing to receive the same, and to return an acknowledgment for the party ;” and Section XLII.

Regulation XI. 1816, Sections III, IV, V, VI, VII, XI, XV, XVI, XVII, XVIII, XXI, XXII, XXIII, XXIV, XXV, XXVI, Clause 2, XXIX, XXXV, XXXVIII, XXXIX, XL, XLI, XLVIII, and LV.

Regulation IV. 1821, Section III.

So much of Clause 2 Section II of Regulation IV. 1821 as declares that all Subordinate Officers of Police of every description shall be subject to the authority of the Tuhseeldars of their respective Districts.

So much of Section VII of Regulation VI. 1831, as affects Village Watchers or other persons holding village offices in the Police Department.

Act VII of 1843, Sections XXXIX and XL.

So much of Clause 4 Section XIII of Regulation XI. 1816, as directs the Head of the Village to apprehend any person supposed to have committed a murder.

So much of Clause 1 Section XXVII of Regulation XI. 1816 as directs the Head of the Village to make every exertion to apprehend any person accused or suspected of having committed the offences referred to in the said Clause.

#### FORM A.

A. B. has been appointed a Member of the Police Force under Act XXIV of 1859, and is vested with the powers, functions, and privileges of a Police Officer.

W. MORGAN,  
Clerk of the Council.

THE 6TH SEPTEMBER 1859.

THE following Bill was read a second time in the Legislative Council of India on the 6th September 1859, and was referred to a Select Committee who are to report thereon after the 10th of December next :—

*A Bill to enable Joint Stock Banking Companies to be formed on the principle of Limited Liability.*

WHEREAS it is expedient to enable Joint Stock Banking Companies to be formed on the principle of Limited Liability ; It is enacted as follows :—

I. So much of Section II of Act XIX of 1857 (for the incorporation and regulation of Joint Stock Companies and other Associations either with or without Limited Liability of the Members thereof), as provides that nothing in that Act shall authorize any persons to form themselves into a Joint Stock Company or Association with Limited Liability for the purpose of Banking. And so much of Section XCIX of the said Act as provides that no Company established for the purpose of Banking shall be registered under that Act as a Limited

Company, are hereby repealed, subject to the following Proviso, that no Banking Company claiming to issue notes in India shall be entitled to Limited Liability in respect of such issue, but shall continue subject to unlimited Liability in respect thereof, and that, if necessary, the assets shall be marshalled for the benefit of the general creditors, and the Shareholders shall be liable for the whole amount of the issue in addition to the sum for which they would be liable as Shareholders of a Limited Company.

II. Every existing Banking Company which shall register itself as a Limited Banking Company, shall at least thirty days previous to obtaining a certificate of Registration with Limited Liability, give notice that it is intended so to register the same, to every person and partnership firm who shall have a Banking Account with the Company, and such notice shall be given either by delivering the same to such person or firm, or leaving the same or putting the same into the Post in a registered letter addressed to him or them at such address as shall have been last communicated or otherwise become known as his or their address to or by the Company ; and in case the Company shall omit to give any such notice as is hereinbefore required to be given, then as between the Company and the person or persons only who are for the time being interested in the account in respect of which such notice ought to have been given, and so far as respects such account and all variations thereof down to the time at which such notice shall be given, but not further, or otherwise, the certificate of registration with Limited Liability shall have no operation.

III. Every Limited Joint Stock Banking Company shall, before it commences business, or, if a Banking Company at the time carrying on business with unlimited Liability, before it avails itself of the provisions of this Act, and also on the 1st day of February and 1st day of August in every year during which it carries on business, make a statement in the form contained in the Schedule hereto annexed, or as near thereto as circumstances will admit ; such statement shall be in addition to the balance sheet required by the said Act to be made out and filed with the Registrar of Joint Stock Companies : a copy of such statement shall be put up in a conspicuous place in the Registered Office of the Company, and in every branch Office or place where the Banking business of the Company is carried on, and if default is made in due compliance with the provision of this Section, each Director shall be liable to a penalty not exceeding for every day during which such default continues, and such penalties shall be recovered in a summary manner.

IV. All such estate or interest in moveable and immoveable property, and Trust property. all such deeds, bonds, obligations, and rights as may belong to, or be vested in, any person or persons in trust for any Banking Company at the date of its Registration under this Act or in trust for any other Company at the date of its Registration under the said Act XIX of 1857, shall immediately on Registration vest in such Banking or other Company, but no Manger

shall take place of any estates by reason of their uniting in the Company under this Section, without the express consent of the Company, certified by some instrument under their common seal.

V. Any Banking Company consisting of seven or more persons having a capital of fixed amount, and divided into shares also of fixed amount, legally carrying on the business of Banking previously to the passing of this Act may, at any time hereafter, with the assent of a majority of such of its Shareholders as may have been present in person, or in cases where proxies are allowed by the regulations of the Company by proxy at some General Meeting summoned for the purpose, register itself as a Company under this Act, and when so registered all such provisions contained in any Letters Patent or Deed of Settlement constituting or regulating the Company as are inconsistent with the said Act XIX of 1857 or with this Act, shall no longer apply to the Company so registered, but such Registration shall not take away or affect any powers previously enjoyed by such Company of Banking, issuing notes payable on demand, or of doing any other thing.

VI. The Registration under this Act of any Banking Company existing at the time of the passing of this Act, and hereby authorized to be registered, shall not affect or prejudice the liability of such Company to have enforced against it or its right to enforce any debt or obligation incurred, or any contract entered into, by, to, with, or on account of such Company previously to such Registration, and all such debts, obligations, and contracts shall be binding on the Company when so registered, and the other parties thereto, to the same extent as if such Registration had not taken place.

VII. Every person who at or previously to the date of the Registration under this Act of any Banking Company hereby authorized to be registered, may have held shares in such Company shall, in the event of the same being wound-up by the Court or voluntarily, be liable to contribute to the assets of the Company the same amount that he would, if this Act had not been passed, have been liable to pay to the Company, for, or on account of any debt of the Company in pursuance of any action, suit, judgment, or other legal proceeding that might, if this Act had not been passed, have been instituted or enforced against himself or the Company.

VIII. All such actions, suits, and other legal proceedings as may at the time of the Registration under this Act of any Company hereby authorized to be registered, have been commenced by or against such Company or the Public Officer thereof, may be continued in the same manner as if such Registration had not taken place; nevertheless execution shall not issue against the effects of any individual Shareholder in, or member of, such Company, upon any judgment

decree, or order obtained against such Company in any action, suit, or proceeding so commenced as aforesaid; but in the event of the property and effects of the Company being insufficient to satisfy such judgment, decree, or order, an order may be obtained for winding-up the Company in manner directed by the said Act XIX of 1857.

IX. All Companies registered under this Act shall be wound-up in the manner directed by the said Act XIX of 1857.

X. Nothing in this Act shall affect Act VI of 1839 (*incorporating the Bank of Bengal*), Act III of 1840 (*for the incorporation of a Bank at Bombay*), or Act IX of 1843 (*for the incorporation of a Bank at Madras*), or shall be deemed to apply to the several Banks of Bengal, Madras, and Bombay incorporated by the said Acts respectively.

XI. This Act shall be deemed to be incorporated with and to form part of the said Act XIX of 1857.

## SCHEDULE.

### FORM OF STATEMENT TO BE PUBLISHED BY A LIMITED JOINT STOCK BANKING COMPANY.

The Liability of the Shareholders is limited.

The Capital of the Company is divided into \_\_\_\_\_ Shares  
Rupees each.

The number of Shares issued is \_\_\_\_\_

Calls to the amount of \_\_\_\_\_  
per Share have been made, under which the sum of Rupees has been received.

The liabilities of the Company on the first day of January (or July) were—

Rs. As. P.

Notes issued, .....  
Deposits not bearing Interest,  
Deposits bearing Interest, ...  
Seven Day and other Bills, ...

Total, \_\_\_\_\_

The Assets of the Company on that day were—

Government Securities, .....  
Bills of Exchange, .....  
Loans on Mortgage, .....  
Other Loans, .....  
Bank Premises, .....  
Other Securities, exclusive of  
unpaid Calls on Shares, ...

Total, \_\_\_\_\_

Dated the first day of \_\_\_\_\_ or  
one thousand eight hundred and \_\_\_\_\_

W. MORGAN,  
Clerk of the Council.



THE 6TH SEPTEMBER 1859.

THE following Bill, as settled in Committee of the whole Council, was ordered to be published for general information, and to be re-considered after three months :—

*A Bill for simplifying the Procedure of the Courts of Criminal Judicature not established by Royal Charter.*

WHEREAS it is expedient to simplify the Procedure of the Courts of Criminal Judicature not established by Royal Charter; It is enacted as follows :—

# CHAPTER. I.

## OF THE JURISDICTION OF THE CRIMINAL COURTS.

1. The Criminal Courts of the several grades according to the powers vested in them respectively by any law for the time being in force shall take cognizance of all offences punishable under the Penal Code or under any special or local law, except offences which are by any such law made punishable by some other authority therein specially mentioned.

2. The Criminal Courts shall have jurisdiction over all persons in respect of such offences except such persons as by any Act of Parliament or by any Regulation of the Codes of Bengal, Madras, and Bombay respectively, or by any Act of the Governor General of India in Council, are or shall be expressly exempted from such jurisdiction.

3. No person whatever shall, by reason of place of birth or by reason of descent, be exempt from the rules of Criminal Procedure. Provided that nothing in this Section shall be held to authorize the trial or commitment for trial before any Criminal Court of any person who in respect of the offence with which he is charged is not subject to the jurisdiction of that Court.

4. Except where otherwise expressly provided by this Act, every offence shall be enquired into and determined and the offender prosecuted and punished in the district or division in which the offence was committed. Provided that nothing in this Section shall exempt European British subjects from being tried and convicted before the Supreme Courts of Judicature for offences committed beyond the local limits of such Courts.

5. When a person shall be accused of the commission of any offence by reason of any thing which has been done and of any consequence which has ensued, such offence may be enquired into and determined and every such offender prosecuted and punished in any district or division in which any such thing shall have been done or any such consequence shall have ensued.

6. The abetment of an offence wherever such abetment shall have taken place, may be enquired into and determined in any district or division in which

the offence abetted may be enquired into and determined by any Court which has jurisdiction to try such offence as if the abetment had been committed at the same place at which the offence abetted was wholly or partly committed; or the abetment may be enquired into and determined in any district or division within which the abettor has done any thing for abetting the commission of such offence.

7. Where any offence shall be committed on the boundary or boundaries of two or more districts or divisions, whether subject to the same local Government or not, or shall be begun in one district or division and completed in another, every such offence may be enquired into and determined in any of the said districts or divisions in the same manner as if it had been actually and wholly committed therein.

8. Where any offence shall be committed on any person or on or in respect of any property in or upon any coach, cart, or other carriage or conveyance or upon any beast of burden employed in any journey, or shall be committed on any person or on or in respect of any property on board any vessel employed on any voyage or journey upon any navigable river, canal, or inland navigation, such offence may be enquired into and determined in any district or division through any part whereof such coach, cart, carriage, conveyance, beast of burden, or vessel shall have passed in the course of the journey or voyage during which such offence shall have been committed, in the same manner as if it had been actually committed in such district or division; and in all cases where the side, middle, or other part of any highway, or the side, bank, middle, or other part of any such river, canal, or navigation, shall constitute the boundary of any two districts or divisions, such offence may be enquired into and determined in either of the said districts or divisions through or adjoining to or by the boundary of any part whereof such coach, cart, carriage, conveyance, beast of burden, or vessel shall have passed in the course of the journey or voyage during which such offence shall have been committed, in the same manner as if it had actually been committed in such district or division.

9. Whosoever shall fraudulently receive or fraudulently have in possession any stolen property, knowing the same to be stolen property, may be prosecuted and punished in any district or place in which he shall have or shall have had such stolen property in his possession, or in any district or place in which any person by whose offence that property came to be stolen property may be prosecuted and punished.

10. Whosoever shall commit any offence by unlawfully receiving or having in possession any moveable property, knowing the same to have been unlawfully taken, obtained, appropriated, or converted, may be prosecuted and punished in any district or place in which he shall have or shall have had such property in his possession, or in any district or place in which any person who unlawfully took, or obtained, or appropriated, or converted such property, may be prosecuted and punished for any offence committed thereby.

11. Any person convicted of an offence who shall escape from any custody in which he is lawfully detained in pursuance of a sentence of a Court of Justice, or by virtue of a commutation of such sentence, may be prosecuted and punished either in the district or place where he shall be apprehended and retaken or in the district in which he shall have escaped from custody.

12. Any offender who shall return from transportation or banishment, the term of such transportation or banishment not having expired, and his punishment not having been remitted, may be prosecuted and punished either in the district or place where he shall be apprehended, or in that in which he was formerly tried.

13. Whenever any doubt shall arise as to the district or division in which any offence should be enquired into or any offender prosecuted, it shall be lawful for the Sudder Court within whose jurisdiction the offender is apprehended to determine in which district or division the enquiry or prosecution shall take place.

14. It shall be competent to the Sudder Court to direct the transfer of any Criminal case or appeal from a Criminal Court subordinate to its authority to any other such Criminal Court of equal or superior jurisdiction, whenever it shall appear to the satisfaction of such Sudder Court that the transfer will promote the ends of justice or tend to the general convenience of the parties and witnesses.

15. It shall be competent to a Magistrate to withdraw any Criminal case from any Court of a Deputy Magistrate of either class within his district and to try the case himself or to refer it for trial to any other such Court of equal or superior jurisdiction.

## CHAPTER II.

### PRELIMINARY RULES.

16. In all Criminal Courts complainants and witnesses shall be examined according to the provisions of the law for the time being in force in relation to the examination of complainants and witnesses.

17. In all cases where by the sentence or order of any Criminal Court a fine is imposed upon a conviction for any offence made punishable by fine whether the offence be punishable or punished by fine only or

otherwise, it shall be lawful for such Court to order that the fine or any part thereof not exceeding the loss appearing to be caused to the person who has suffered by such offence, be paid to or for the benefit of such person according to the discretion of the Court, and in every such case the fine when levied or paid shall be paid and distributed accordingly.

18. In every case punishable with imprisonment as well as fine, in which the offender is sentenced to a fine, whether with or without imprisonment, the Criminal Courts shall be guided by the provisions of Sections 8 and 9 Chapter III of the Penal Code in awarding the period of imprisonment in default of payment of the fine; provided, however, that in such cases decided by the Magistrate and Subordinate Criminal Courts, the period of imprisonment awarded in default of payment of the fine shall in no case exceed one-fourth of the period of imprisonment which such Magistrate or Subordinate Criminal Court is competent to inflict as punishment for the offence otherwise than as imprisonment in default of payment of the fine.

19. In every case in which an offender is sentenced to a fine, it shall be competent to the Court which sentences such offender, whether the offence be punishable with fine only or otherwise and whether or not the sentence direct that in default of payment of the fine the offender shall suffer imprisonment, to issue a warrant for the levy of the amount by distress and sale of any goods and chattels of the offender which may be found within the jurisdiction of the Court.

20. It shall be competent to the Government to empower any Subordinate Criminal Court to hold the preliminary enquiry into cases triable by the Court of Session, or by any of the Supreme Courts of Judicature, and to commit or hold to bail parties to take their trial before such Courts, and to exercise all the powers necessary for such purposes.

21. No person shall be empowered by Government to hold a preliminary enquiry into cases triable by any of the Supreme Courts of Judicature, or to arrest, hold to bail, or commit any European British subject, unless the person so authorized is a Covenanted servant of Government or a European British subject.

22. Nothing in the foregoing Section shall be taken to prevent any Officer exercising the lawful powers of Magistrate from hearing a complaint against a European British subject, and issuing a warrant of arrest or holding to bail any European British subject so charged with a view to the complaint being investigated before a Magistrate authorized as provided in the last foregoing Section.

23. When a European or American has been arrested or held to bail under a warrant issued by an Officer not being a Covenanted servant or a European British subject, such Officer shall forthwith forward him to the Magistrate of the District or to some other Officer exercising the powers of a Magistrate who is a Covenanted servant or a European British subject.

### CHAPTER III.

#### OF THE SUMMONS AND WARRANT OF ARREST.

24. Where an offence has been committed, or is supposed to have been committed, the proceeding, in order to compel the party known or suspected to have committed such offence to appear for the purpose of enquiry concerning the same, may be by summons or arrest.

25. A summons or a warrant of arrest may be obtained on such complaint as is described in the next succeeding Section.

26. Every complaint made before a Magistrate or other Officer having any of the powers of a Magistrate and who is also authorized to receive cases without reference from a Magistrate, in order to the issuing of a summons or a warrant against a person accused of any offence either directly or on suspicion, if not written, shall be forthwith reduced into writing, and shall be signed by the complainant, and also by the Magistrate or other Officer, issuing the summons or warrant.

27. Upon such complaint duly made before a Magistrate or other Officer as aforesaid, he shall, in case it appear to him that there is sufficient ground for proceeding, issue his summons or warrant for causing the person accused to appear before himself or some other Magistrate or Officer or Court having jurisdiction; and if in the judgment of such Magistrate or other Officer there be no sufficient ground, he shall dismiss the complaint whether it be direct or on suspicion only.

28. Except as is otherwise provided in Chapter X of this Act, a Magistrate or other Officer as aforesaid may take cognizance of offences without complaint made, without any complaint take cognizance of any offence which may come to his knowledge and may issue a summons or warrant of arrest against the party known or suspected to have committed such offence in the same manner as if a complaint had been made against such person. This Section shall not apply to the offences described in Chapters XX, XXI, and XXII of the Penal Code.

29. Every summons issued by a Magistrate or other Officer as aforesaid to a person so accused shall be in writing, under the signature and seal of the Magistrate or other Officer issuing it, and shall be in the form (A) given in the Appendix or to the like effect.

30. The summons shall be served on the person accused personally, or in case the person accused shall not be found at his ordinary place of residence it may be left for him with some adult male member of his family residing with him.

31. A Magistrate or other Officer as aforesaid may, notwithstanding such summons, either before the appearance of the person accused, as required by such summons, or after default made by him so to appear, issue a warrant of arrest against such person in all cases in which he might so have done had no such summons been issued.

32. A Magistrate or other Officer as aforesaid of one district or division may grant a warrant for the apprehension of a suspected offender within that district or division as the case may be, in respect of an offence of which the law takes cognizance committed in a different district or division, or on the high seas, or in a foreign country.

33. In the preceding Sections, and any other Section of this Act, wherever the district or other place or the Court in or before which any offence is to be enquired of and determined, or any offence is to be prosecuted and punished, is described, the term "enquired of" shall be deemed to comprise every proceeding preliminary to trial; the term "determined," to comprise trial, and every subsequent proceeding, including the punishment of the offender; and the terms "prosecuted and punished," to comprise every proceeding, whether preliminary or subsequent to trial, or upon such trial; unless in any such case there be something in the subject or context repugnant thereto.

34. The local jurisdiction of the Magistrate of a zillah or district shall for the purposes of this Act be deemed a district; and the local jurisdiction of a Deputy Magistrate, when such Deputy Magistrate is invested with jurisdiction in a particular part of the district, shall be deemed a division.

### CHAPTER IV.

#### OF THE WARRANT AND ITS EXECUTION.

35. Every warrant shall be in writing and shall be signed and sealed by the Magistrate or other Officer issuing it and shall be in the form (B) given in the Appendix or to the like effect.

36. A warrant directed to several persons may be executed by all or by any one or more of them jointly.

37. A warrant directed to a Superior Officer of Police or to a nazir or other proper Officer of a Court may be executed by any Officer subordinate to such superior Officer of Police or Officer of the Court respectively whose name shall be endorsed upon the warrant by the Officer to whom the same is directed.

38. A Magistrate or other Officer authorized to issue a warrant or other Criminal process may attend personally for the purpose of seeing that the same be duly executed, and may adopt or direct any legal measures that may be necessary for the due execution thereof.

39. A warrant directed to any other person than an Officer of Police or of a Court shall be executed by that person; provided nevertheless, that any other person may aid in executing such warrant if the person authorized to execute the same be near at hand and acting in the execution of the warrant.

40. Every person is bound to assist a Magistrate or Police Officer demanding his aid in the taking of an offender, the preventing a breach of the peace, the suppression of a riot, or the taking of the rioters.

41. A warrant issued by any Magistrate or other Officer as aforesaid must be executed (unless it be specially otherwise provided) within the jurisdiction of the Magistrate or other Officer by whom it was issued, or of the Magistrate or other Officer by whom it has been duly endorsed for execution.

42. In case any person against whom a warrant shall be issued by any Magistrate or other Officer as aforesaid shall escape, go into, reside, or be, or be supposed to be, in any place out of the jurisdiction of the Magistrate or other Officer granting such warrant, the Magistrate or other Officer of the place into or in which such person shall escape, go, reside, be, or be supposed to be, whether such place shall be subject to the same local Government or not, shall endorse his name on such warrant which shall be a sufficient authority to the person or persons bringing such warrant, and to all other persons to whom such warrant was originally directed, to execute such warrant within the jurisdiction of the Magistrate or other Officer who endorsed such warrant, and to apprehend and carry such person before the Magistrate or other Officer who endorsed such warrant, or before the Magistrate or other Officer of the district where the offence was committed. In case such person be carried before the Magistrate or other Officer who endorsed the warrant, and the offence with which he is charged is bailable in law, he shall be dealt with in the manner hereinafter described in Section 122. If the offence be not bailable, he shall be forwarded to the Magistrate or other Officer of the district in which such offence was committed.

43. Provided that it shall be competent to a Magistrate or other Officer issuing a warrant for the arrest of a person out of his jurisdiction to direct the warrant to the Magistrate or other Officer of the district in which such person is, or is supposed to be, and to transmit the same by post. On the receipt of the warrant by the Magistrate or other Officer to whom it is directed, he shall endorse his name on such warrant, and enforce its execution in the same manner as if the warrant had been originally issued by himself. On such person being apprehended and carried before the Magistrate or other Officer who endorsed the warrant, he shall be dealt with as provided in the last preceding Section.

44. If a person for whose apprehension a warrant has been granted by a Magistrate or other Officer under the provisions of Section 32 is suspected of an offence committed in a different district, the Magistrate or other Officer granting the warrant shall, unless he is authorized by any law to complete the enquiry himself, send the person arrested to the Magistrate or other Officer of the district in which the offence was committed, or take bail for his appearance before such Magistrate or other Officer if the offence of which he is suspected is bailable in law; and in all other instances the Magistrate or other Officer shall report the case for the orders of the Sudder Court.

45. If the warrant under Section 32 shall have been granted by any Officer subordinate to a Magistrate, such Officer shall send the person arrested to the Magistrate to whom he is subordinate, unless the offence of which the person arrested is suspected shall have been committed in the jurisdiction of another Subordinate Officer of the same district; in which case the Officer who granted the warrant shall send the person arrested to the Officer of the division in which such offence was committed.

46. In making an arrest the Officer or other person executing the warrant shall actually touch or confine the body of the person to be arrested, unless there be a submission to the custody by word or action.

47. After arrest the person arrested shall not be subjected to any more restraint than such as may be necessary to prevent his escape.

48. An Officer or other person executing a warrant of arrest shall notify the substance of the warrant, and if required so to do shall show the warrant.

49. If a person against whom a warrant of arrest is issued shall forcibly resist the endeavor to arrest him, it shall be lawful for the person executing the warrant to use all such means as may be necessary to effect the arrest.



50. Any person authorized by a warrant to arrest a person accused of any offence for which a warrant may issue on complaint, may break open any outer or inner door or window of a dwelling house, whether that of the person accused or of any other person, in order to execute such warrant, if, after notification of his authority and purpose, and demand of admittance duly made, he cannot otherwise obtain admittance.

51. If information be received that a person accused of any offence for which a warrant may issue, has concealed himself in a zenanah or female apartment in the actual occupancy of women, the Officer or other person employed to execute the warrant shall take such precautions as may be necessary to prevent the escape of the accused, and if such person shall not deliver himself up, the Police Officer or other person authorized to execute the warrant may break open the zenanah, and execute the process intrusted to him, first giving notice to any woman in the zenanah that she is at liberty to withdraw.

52. After arrest made, the Officer or other person executing the warrant shall without unnecessary delay bring the person arrested before the Magistrate or other authority described in the warrant.

53. No Officer or other person shall offer to the person arrested any inducement, by threat or promise or otherwise, to make any disclosure. But no Officer or other person shall prevent the person arrested, by any caution or otherwise, from making any disclosure which he may be disposed to make of his own free will.

## CHAPTER V.

### OF ARREST WITHOUT WARRANT.

54. A Police Officer or other person who sees any offence committed for which a warrant may issue may, without warrant, arrest the offender.

55. A Police Officer may, without warrant, arrest of his own authority a person against whom a reasonable complaint is made or against whom there exists reasonable suspicion of his having committed an offence for which a warrant may issue or who may be found with stolen goods in his possession.

56. A Police Officer or other person may, without warrant, arrest a proclaimed offender, or a person against whom a hue and cry has been raised of his having been concerned in an offence.

57. If a person liable to arrest without warrant under the foregoing rules, shall enter into and conceal himself in a dwelling house, the person authorized to make the arrest shall take such precautions as may be

necessary to prevent the escape of the accused, and send immediate information to the Magistrate or Head Officer of the Police Division, but no house shall be broken into for the purpose of arresting any person without a warrant.

58. A Police Officer may, of his own authority, interpose for the suppression of a breach of the peace, or prevention of a breach of the peace committed or attempted to be committed in his view; and in the event of disobedience or resistance may, without warrant, arrest the offender.

59. A Police Officer may apprehend any person who obstructs him while in the execution of his duty, and carry him before the Magistrate, or before the Head Officer of the Police Division.

60. A Police Officer or other person, having arrested a person for an offence, shall take or send him before the Magistrate or the Head Officer of the Police Division without unnecessary delay.

61. Where any offence is committed in the presence of any Magistrate or other Officer authorized to issue a warrant, he may order any person to arrest the offender, and may thereupon commit him to custody or, at his discretion, where the offence is bailable, may admit him to bail.

## CHAPTER VI.

### OF ESCAPE AND RE-TAKING.

62. If a person lawfully arrested on any Criminal process shall escape or be rescued, it shall be lawful for the person from whose custody such prisoner so escaped or was rescued, to make fresh pursuit, and re-take him in any place, either within or without the jurisdiction where he was so in custody, and to deal with him as he might have done on an original taking.

63. In order to re-take any person, within the meaning of the last preceding Section, the person so making fresh pursuit as is therein described may adopt the same measures as he might have done on the original taking.

## CHAPTER VII.

### OF SEARCH WARRANT.

64. Whenever a Magistrate or other Officer having jurisdiction in respect of an offence supposed to have been committed, shall consider that the production of any thing will be essential to the conduct of an enquiry into such offence, he may grant his warrant to search for such thing; and it shall be lawful for the Officer charged with the execution of such warrant to search for such thing in any dwelling or place. In such case the Magistrate shall, if he think right, specify in his warrant the dwelling or place, or part thereof, to which only the search shall extend.

65. The Magistrate or other Officer shall direct his warrant to the Head Officer of a Police Station within whose jurisdiction the dwelling or place to be searched is situate, or to any other Police Officer to whom the Magistrate or other Officer may think fit to commit the execution of that duty. A warrant directed to a Head Officer of a Police Station may, in the event of such Officer not being able to proceed in person, be executed by any Officer subordinate to such Head Officer above the rank of a peon or burkundaz.

66. Whenever it may be necessary for a search warrant to be executed out of the jurisdiction of the Magistrate or other Officer issuing the warrant, the Magistrate or other Officer of the jurisdiction within which the warrant is to be executed shall endorse his name on the warrant which shall be sufficient authority for the person charged with the execution of such warrant to execute the same, or the search warrant may be directed to the Magistrate or other Officer within whose jurisdiction the search is to be made, and such Magistrate or other Officer shall thereupon endorse his name on such warrant and enforce its execution in the same manner as if the warrant had been issued by himself.

67. Provided that in any case of emergency a Magistrate or other Officer may grant his warrant for the search of any thing concealed, or supposed to be concealed, in a dwelling or place out of his jurisdiction, and may direct that it be executed without obtaining the endorsement of a Magistrate or other Officer within whose jurisdiction the search is to be made. When a Magistrate or other Officer grants a warrant under this Section, he shall inform the Magistrate or other Officer of the district in which the dwelling or place to be searched is situate.

68. If the door of the dwelling or place be shut, the person charged with the execution of the warrant may proceed to break open the door, if, after notification of his authority and purpose, and demand of admittance duly made, he cannot otherwise obtain admittance.

69. If the place ordered to be searched is a zenanah or female apartment in the actual occupancy of women, the Officer charged with the execution of the warrant shall give notice to any women in the zenanah that they are at liberty to withdraw; and, after giving such notice, and allowing a reasonable time for the women to withdraw, such Officer may enter the zenanah for the purpose of completing the search, using at the same time every precaution consistent with these provisions for preventing the clandestine removal of property.

70. The search is to be made in the presence of two or more respectable inhabitants of the place in which the dwelling or place searched may be situate, and such persons shall subscribe their names to the report made to the Magistrate or other Officer; but such persons shall not be required to attend as witnesses unless specially summoned by order

of the Magistrate or other Officer. The occupant of the house, or some person in his behalf, shall in every instance be permitted to attend during the search.

71. All property claimed as having been stolen, as well as all property suspected to have been stolen which is found on persons accused of robbery or theft or which is seized by Police Officers under suspicious circumstances, as also anything the production of which is essential to the conduct of an enquiry into an offence, shall be forwarded without delay, together with a list to the Magistrate.

72. If a Magistrate, upon information and after such enquiry as he may think necessary, has reason to believe that any house, room, or other place is used as a place of deposit or sale or as a place for the manufacture of forged documents or counterfeit Government stamps or counterfeit coin, or that any forged documents or counterfeit stamps or false seals or any counterfeit coin or instruments used for counterfeiting coin, are kept or deposited in any house, room, or other place, he may by his warrant authorize any Officer of Police above the rank of a peon or burkundaz to enter, with such assistance as may be found necessary, by night or by day, and by force if necessary, any such house, room, or other place, and to search in manner aforesaid all such parts of the same as shall be specified in the warrant, and to seize and take possession of all documents, stamps, seals, or coins therein found which he may reasonably suspect to be forged, false, or counterfeit, and also of all such instruments as aforesaid.

## CHAPTER VIII.

### PRELIMINARY ENQUIRY BY THE POLICE.

73. The Head Officer of a Police Station may take cognizance, without orders from the Magistrate, of any of the undermentioned offences punishable under the Penal

Code, namely:

Chapter VII, Offences relating to the Army and Navy.

Chapter VIII, Offences against the public tranquillity, except the offences described in Sections 14 and 15.

Chapter IX, the offences by or relating to public servants described in Sections 10 and 12.

Chapter X, contempts of the lawful authority of public servants so far as regards offences committed in contempt of his own authority.

Chapter XI, the offences against public justice described in Sections 21, 24, 32, 34, 36, and 37.

Chapter XII, offences relating to Coin and Government Stamps, except the offences described in Sections 32, 33, 34, and 35.

Chapter XIII, offences relating to Weights and Measures.

Chapter XIV, the offences affecting the public health, safety, convenience, decency, and morals described in Sections 2, 3, 10, 11, 12, 13, 14, 15, 17, 18, 20, 21, 24, 25, and 26.

Chapter XV, the offences relating to Religion, described in Sections 1, 2, and 3.

Chapter XVI, offences affecting the Human Body, except the offences described in Section 14,



15, 16, 17, 18, 47, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, and 63.

Chapter XVII, offences against property, except the offences described in Sections 5, 6, 7, 8, 9, 10, 11, 25, 26, 27, 28, 29, 30, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, and 52.

74. Police Officers shall not without express orders from the Magistrate take cognizance of any offences punishable under the Penal Code other than those above described or under any special or local law. But it shall be competent to the Magistrate, upon the report of a Police Officer or otherwise, to direct enquiry to be made by the Officers of Police into any offence punishable under the Penal Code or under any special or local law.

75. Upon complaint or information being preferred to a Head Officer of a Police Station of the commission within his jurisdiction of any offence of which such Officer is empowered to take cognizance, he shall proceed in person, or depute one of his Subordinate Officers to proceed to the spot to enquire into the facts and circumstances of the case, and to take such measures as may be necessary for the discovery or apprehension of the offenders.

76. Provided that when complaint is made against any person by name and the case is not of a serious nature, it shall not be incumbent on the Head Officer of a Police Station to proceed in person or to depute a Subordinate Officer to make an enquiry on the spot unless such local enquiry shall appear to be necessary.

77. Every complaint on information preferred to a Head Officer of a Police Station shall be reduced to writing and entered in the Diary kept by such Officer.

78. A Head Officer of a Police Station may issue a warrant for the arrest of any person who is accused or against whom there may be reasonable ground of suspicion of having been concerned in the commission of any offence of which such Officer is empowered to take cognizance, and the provisions respecting warrants contained in Chapters IV and V shall be applicable to warrants issued by such Officers.

79. The Head Officer of a Police Station may also issue summonses for the attendance of any persons who from the statement of the complainant or otherwise appear to be acquainted with the facts and circumstances of the case.

80. The provisions in Chapter VII respecting search warrants, shall be applicable to search warrants issued by a Head Officer of a Police Station.

81. Whenever a Head Officer of a Police Station shall consider that the production of any thing will be essential to the conduct of an enquiry into any offence which he is authorized to en-

quire into, he may grant his warrant to search for such thing in any dwelling or place within his division which shall be specified in his warrant; and it shall be lawful for the Officer legally charged with the execution of such warrant to search for such thing in such dwelling or place.

82. The Head Officer shall, if practicable, conduct the search in person; but if unable to proceed in person, shall direct his warrant to any Police Officer of his division above the rank of a peon or burkundaz.

83. A Head Officer of a Police Station may require the Head Officer of another Police Station, whether subject to the same Magistrate as himself or to the Magistrate of any other district, to issue a search warrant in any case in which he may issue such warrant himself.

84. It shall be lawful for the Head or other Officer of Police to pursue persons accused of the offences described in Section 73 into the jurisdiction of another Head Officer of a Police Station whether subject to the same Magistrate as himself or to the Magistrate of any other district, whether such place be within the same Presidency or under the same local Government or not.

85. The examination of witnesses by the Police shall be taken on the spot where the enquiry is held in the presence of the Head Officer of a Police Station, or in the event of his absence, in the presence of any Officer above the rank of a peon or burkundaz. It shall be lawful for the Head or other Officer of Police to examine orally any person who is supposed to be acquainted with the facts and circumstances of the case: but the statement made by the person so examined shall not be signed by him or treated as part of the record or forwarded or used as evidence. Provided that nothing in this Section shall preclude such Head or other Officer of Police from reducing to writing the statement made by any witness.

86. No Police Officer or other person shall offer any inducement to an accused person by threat or promise or otherwise to make any disclosure or confession.

87. It shall not be competent to a Head or other Officer of Police to record any admission or confession of guilt which may be made before him by a person accused of a Criminal offence. Provided that nothing herein contained shall preclude any such Officer from reducing any such admission or confession to writing for his own information or guidance.

88. No confession or admission of guilt made to a Head or other Officer of Police shall be used as evidence against a person accused of any Criminal offence.

89. No confession or admission of guilt made by any person accused of a Criminal offence whilst such person is in the custody of the Police shall be used as evidence against the prisoner.

*Confession made while the accused is in custody of the Police shall not be used as evidence.*

90. When any fact is deposed to by a Police Officer as discovered by him in consequence of information received from a person accused of any Criminal offence, then so much of such information, whether it amounts to a confession or admission or not, as relates distinctly to the fact discovered by it, may be given in evidence.

*Police Officer may give in evidence so much of any statement or confession made by the accused as relates distinctly to a fact thereby discovered.*

91. The Head or other Officer of Police shall complete the enquiry with as little delay as possible. If the person arrested appears, from the information obtained, to have committed the offence charged, and the offence is not bailable, he shall be forwarded under custody to the Magistrate, and the Head or other Officer of Police shall bind over the prosecutor and witnesses to appear on or before a fixed day before the Magistrate. But when in any case a subordinate Officer of Police has made the enquiry, he may be required by the Head Officer of Police to submit his proceedings to him, or may do so without such instructions, and the Head Officer shall then proceed as if he had made the enquiry himself.

*Enquiry by the Police.*

92. Provided that it shall not be lawful for the Head or other Officer of Police to detain the accused in custody, without the special orders of the Magistrate, for a longer period than under all the circumstances of the case is reasonable, such period in no case to exceed forty-eight hours. If the enquiry has not been completed within forty-eight hours, the Head or other Officer of Police, on his being satisfied that there are grounds for believing that the accusation is well founded, shall nevertheless forward the accused to the Magistrate with a short despatch stating the offence for which the accused has been arrested.

*Accused not to be detained by the Police beyond 48 hours without special authority.*

93. If it shall appear to the Head or other Officer of Police that there is not sufficient evidence or reasonable ground of suspicion to warrant the transmission of the accused to the Magistrate, he shall release the accused on bail, or on his own recognizance, to appear when required, and submit his proceedings for the orders of the Magistrate.

*Head Officer how to proceed in cases of deficient evidence.*

94. In all cases the Head or other Officer of Police shall day by day record his proceedings by way of diary setting forth the time at which the complaint or other information reached him, the time at which he began and closed his enquiry, the place or places visited by him, and a brief statement of the circumstances elicited by his investigation, and shall forward day by day a copy of such record to the Magistrate.

*Daily record of proceedings.*

95. In all cases, in submitting his proceedings to the Magistrate, the Head or other Officer of Police shall forward the statement of the person complaining,

*Proceedings of the Head Officer of what to consist.*

with a brief report of the names of the parties, the nature of the complaint, and the names of the witnesses, without any expression of opinion as to the guilt of the accused, and shall also transmit any weapon or property which it may be necessary to produce before the Magistrate. The Officer shall state in his report whether he has forwarded the accused in custody, or released him on bail or on his own recognizance.

96. If on any complaint or information being preferred to a Head Officer of a Police Station, it shall appear to such Officer that there is no sufficient ground for entering on an enquiry, or that the immediate apprehension of the accused is not necessary for the ends of justice, he shall abstain from issuing process or otherwise proceeding in the case and shall report the substance of the complaint or information for the orders of the Magistrate.

*If Head Officer see no sufficient ground for an enquiry.*

97. Persons accused of the commission of any of the offences entered as not bailable in the third column of the Schedule\* of offences hereto annexed, shall not be admitted to bail, if there appear reasonable grounds for believing that such persons have been guilty of the offence imputed to them; but in all cases of persons accused of any other offences, if sufficient bail be tendered for appearance before the Magistrate, the Head Officer of a Police Station shall accept such bail, and release the party apprehended.

98. In cases of manifest necessity, when the Head Officer of a Police Station may be apprehensive of danger to the public peace by the enlargement of a person arrested for rioting or other bailable offence, without security being taken for his peaceable conduct, the person so arrested shall be required, in addition to the bail for his appearance, to furnish security for keeping the peace until the time of such appearance; and the surety or sureties shall execute a recognizance in an amount to be regulated by the circumstances of the case and the condition of the person executing the same. In default of his furnishing the required security, the accused shall be forwarded under custody to the Magistrate.

*When security for keeping the peace to be required.*

99. The Officers of Police shall report to the Magistrate the cases of all persons apprehended within their respective jurisdictions whether such persons may have been admitted to bail or otherwise; and no person who has been apprehended shall be discharged except on bail, or on his own recognizance, or under the special order of the Magistrate.

*Police to report all apprehensions.*

100. The bail to be taken for appearance before the Magistrate, in pursuance of Section 97, shall not be excessive; and the surety or sureties shall bind himself or themselves under a specific penalty to produce the defendant before the Magistrate on or before a fixed day, to answer the complaint.

*Bail not to be excessive. Terms of security.*

\* See Schedule annexed to the Bill as published in the Gazette of the 11th March 1857.

101. Prosecutors and witnesses, whose attendance may be necessary at the Criminal Courts, shall execute recognizances before the Police Officers, to appear before the Magistrate on a specific day, which shall be the day whereon the accused may be bound to appear if he shall have been admitted to bail, or on the day on which he may be expected to arrive at the Magistrate's place of residence if he is to be forwarded under custody. The Police Officer in whose presence the recognizance may be executed shall forward it with his report to the Magistrate, and shall deliver to the prosecutor or witness a despatch which the prosecutor or witness shall be required to deliver in person to the Magistrate or the Nazir of his Court, unaccompanied by any Officer of Police.

102. The Police Officers shall not subject any prosecutor or witness to restraint or unnecessary inconvenience, nor require them to give any other security for their appearance than their own recognizances; but if any prosecutor or witness shall refuse to attend, or to execute the recognizance directed in the last preceding Section, it shall be competent to the Head Officer to forward such prosecutor or witness under custody to the Magistrate, who may detain such prosecutor or witness in custody until he shall execute such recognizance or until the hearing before the Magistrate.

103. It shall be the duty of the Head Officer of a Police Station, on receiving notice or information of the unnatural or sudden death of any person, immediately to proceed to the place where the body of such deceased person is, and there in the presence of two or more respectable inhabitants of the neighbourhood to make enquiry and report the apparent cause of death, describing any marks of violence which may be found on the body and stating in what manner or by what weapon or instrument they appear to have been inflicted. The report shall be signed by such Police Officer and other persons or by so many of them as shall concur therein, and shall thereupon be forthwith forwarded to the Magistrate. Where there may be any doubt regarding the cause of death, such Police Officer shall forward the body to the Magistrate with a view to its being examined by the Civil Surgeon, if the state of the weather and distance from the Magistrate's Court will admit of its being so forwarded without risk of putrefaction on the road. In the Presidencies of Madras and Bombay it shall be the duty of the Head of the Village in like manner to make enquiry and report as aforesaid, unless the Head Officer of a Police Station shall himself make enquiry and report.

104. The powers to be exercised by the Head Officer of a Police Station under the foregoing rules shall be exercised in the event of his absence or illness by the Head Police Officer present at the Police Station above the rank of a peon or burkundaz.

105. All processes in Criminal cases cognizable by the Police Officers shall be served by the peons or burkundazes at the Police Station, without any charge to the parties or witnesses.

106. The word "Magistrate" as used in this Chapter shall include any Deputy Magistrate placed in immediate charge of a division and authorized to receive cases without reference from the Magistrate.

## CHAPTER IX.

### OF CONTEMPTS AND DISOBEDIENCE OF ORDERS.

107. When any such offence as is described in Section 89 of Chapter XI of the Penal Code is committed in contempt of the lawful authority of any Court, Civil or Criminal, it shall be competent to such Court to take cognizance of the same and to adjudge the offender to punishment as authorized by the said Section.

108. When any of the offences described in Chapter X of the Penal Code is committed in contempt of the lawful authority of any Court, Civil or Criminal, it shall be competent to such Court to take cognizance of the same, and to adjudge the offender to punishment as authorized by the Section applicable thereto. Where a person has been sentenced to punishment under the provisions of this Section for refusing or omitting to do anything which he was required to do, it shall be competent to the Court to remit the punishment on the submission of the offender to the order or requisition of such Court.

109. Provided that, in fixing the measure of punishment for any of the offences referred to in the last two preceding Sections, no Magistrate or Deputy Magistrate shall exceed his ordinary powers of punishment, and that no Civil Court subordinate to the Chief Civil Court of the District shall adjudge a heavier punishment than fine to the amount of one hundred Rupees, or imprisonment for a period of three months.

## CHAPTER X.

### PROSECUTIONS IN CERTAIN CASES.

110. Charges of offences punishable under Chapter VI of the Penal Code shall not be entertained by any Court unless the prosecution be instituted by order of, or under authority from, the Governor General in Council, or the Governor in Council of any Presidency, or by order of, or under authority from, a public Officer empowered by the Governor General in Council to direct or authorize such prosecution, or unless instituted by the Advocate General.

111. In cases of contempt of the lawful authority of public servants, and other offences against public servants as such, described in Chapter X of the Penal Code, except the offence described in Section 26 of the Chapter, prosecutions shall not be instituted in the Criminal Courts but with the sanction of the public servants concerned, or if they are inferior ministerial servants, with the sanction of their official superiors.

112. In cases of offences against public justice, described in Sections 3, 4, 5, 6, 9, 10, 16, 17, 19, 20, and 39, of Chapter XI of the Penal Code, no prosecution shall be instituted in the Criminal Courts but with the sanction of the Civil or Criminal Court before or against which such offence was committed, or of some other Court to which such Court is subordinate. Except in the case of the offence of fraudulently obtaining a decree as described in Section 19 of Chapter XI of the said Code, such sanction may be given at any time, either before or after the determination of the case in which the offence was committed.

For certain offences under Chapter XI of the Penal Code, but with the sanction of the authority before which the offence was committed.

113. In cases of offences relating to documents described in Sections 1, 10, 14, and 15 Chapter XVIII of the Penal Code, when the document shall have been given in evidence in any proceedings in any Court, Civil or Criminal, no prosecutions shall be instituted in the Criminal Courts by a party to such proceedings, but with the sanction of the Court in which the document was given in evidence, or of some other Court to which such Court is subordinate.

Prosecution for certain offences relating to documents not to be instituted but with the sanction of the Court in which such documents were given in evidence.

114. When any Court, Civil or Criminal, is of opinion that there is sufficient ground for bringing any person to trial on a charge of any of the offences referred to in the last three preceding Sections, the Court, after making such preliminary enquiry as may be necessary, may send the case for investigation to the Magistrate, who shall proceed to inquire into the case, and pass such orders thereon as he may deem proper.

Mode of proceeding in cases mentioned in the three last preceding Sections.

115. Provided that it shall be competent to a Court of Session to charge a person for any such offences committed before it or under its own cognizance, and to try such person upon its own charge. Provided also that in any case triable by the Court of Session, it shall be lawful for any Court of Civil Judicature before which the offence was committed, instead of sending the case for investigation to the Magistrate, to complete the investigation itself and to direct the commitment of the accused person to the Court of Session.

Power of Court of Session in respect of such offences committed before it.

Civil Courts empowered to complete investigation and commit accused to Court of Session.

116. When any such commitment is made by order of a Court of Civil justice, the Court shall frame a charge in the manner hereinafter provided, and shall transmit the same with the order

Procedure by Civil Court in such cases.

of commitment and the record of the case to the Magistrate, and the Magistrate shall bring the case before the Court of Session in like manner as if the preliminary enquiry had been made by himself.

of commitment and the record of the case to the Magistrate, and the Magistrate shall bring the case before the Court of Session in like manner as if the preliminary enquiry had been made by himself.

## CHAPTER XI.

### OF PRELIMINARY ENQUIRY BY THE MAGISTRATE IN CASES TRIABLE BY THE COURT OF SESSION.

#### *Complaint and issuing of Process for causing the Attendance of the Accused.*

117. In all cases where a complaint shall be made before a Magistrate having jurisdiction, that any person has committed, or is suspected to have committed, any of the offences specified in the Schedule as triable exclusively by the Court of Session, or which in the opinion of the Magistrate is one that ought to be tried by the Court of Session, it shall be lawful for such Magistrate to issue his warrant to apprehend such person ;

Magistrate may issue his warrant. provided always that in all cases it shall be lawful for the Magistrate to whom such complaint shall be made, if he shall so think fit, instead of issuing in the first instance his warrant to apprehend the person so complained against, to issue his summons requiring him to appear to answer to such complaint.

May issue a summons instead of a warrant.

118. If the Magistrate see cause to distrust the truth of the complaint, he may postpone the issuing of process for causing the attendance of the accused, and direct a previous enquiry to be made into the complaint, either by means of his Assistant or of any Deputy Magistrate or of the local Police Officers, or in such other mode as he shall judge most proper, for the purpose of ascertaining the truth or falsehood of the complainant's allegations. If the result of the enquiry shall lead the Magistrate to believe that the charge is well founded, and the offence is of the nature described in Section 117, it shall be lawful for him to issue his warrant or summons as therein directed ; provided that nothing herein contained shall prevent the Magistrate from at once dismissing the complaint, if in his judgment there be no sufficient ground for proceeding with it.

Postponement of issue of process.

119. It shall be in the discretion of the Magistrate in issuing his warrant for the arrest of any party against whom a complaint has been made, to direct that if such party be willing and ready to give bail in a sum to be fixed by the Magistrate for his appearance before the Magistrate on a specified day to answer the complaint, the Officer to whom the warrant is directed shall accept such bail, and shall release the party from custody. In the event of bail being given, the Officer shall forward the recognizance to the Magistrate.

May dismiss the complaint.

Magistrate may direct bail to be taken.

120. The Magistrate may, if he sees sufficient cause, dispense with the personal attendance of the party complained against, and permit him to appear by an agent duly authorized to act in his behalf. Provided that it shall be in the discretion

Magistrate may dispense with the personal attendance of the accused.

Magistrate may dispense with the personal attendance of the accused.

Magistrate may dispense with the personal attendance of the accused.



of the Magistrate, at any stage of the proceedings, to direct the personal attendance of such party.

121. Nothing contained in the last four preceding Sections shall be held to restrain the Magistrate from issuing his warrant for the apprehension, or his summons for the appearance of any person who is known or suspected to have committed any such offence as aforesaid, although no formal complaint shall have been laid against such person.

122. Where any such person as is mentioned in Section 42 and Section 43 shall be apprehended out of the jurisdiction of the Magistrate granting the warrant against him, and carried before the Magistrate who endorsed such warrant, the Magistrate before whom such person shall be brought, in case the offence for which such person shall be apprehended shall be bailable in law and such person shall be willing and ready to give bail for his appearance on a specified date before the Magistrate granting the warrant, shall take bail of such person for his appearance before the Magistrate granting the warrant, release the person from custody, and forward the recognizance to the Magistrate granting the warrant.

123. If any person accused of an offence absconds or conceals himself, so that upon a warrant issued against him by a Magistrate he cannot be found, the Magistrate shall, on proof that such person absconds or conceals himself for the purpose of avoiding the service of the process, cause a written proclamation requiring such person to appear to answer the complaint within a fixed period, not less than thirty days, to be publicly read and proclaimed by beat of drum, and shall cause such proclamation to be affixed in some conspicuous part of his Court, as well on the entrance door of the house in which the party has usually dwelt, or some conspicuous place in the town or village in which he has usually resided, and may at the same time order the attachment of any moveable or immoveable property held within his jurisdiction by the party absconding or concealing himself. The attachment under this Section shall, if the property ordered to be attached be land paying revenue to Government, be made through the Collector of the district in which the land is situate; and in all other cases either by actual seizure by an Officer of the Magistrate's Court, or by the appointment of a manager and receiver, or by an order prohibiting the payment of rents to the absent party, as the Magistrate shall deem proper under the circumstances of each case. If the absent party shall not appear within the time specified in the proclamation, the property under attachment shall be declared forfeited to Government.

124. In case any person whose property shall have been declared forfeited to Government under the last preceding Section shall within one year after the attachment of his property surrender himself, and shall upon trial before a competent Court prove to the satisfaction of such Court that he did not abscond or conceal himself for the purpose of evading justice,

his property or the proceeds thereof shall be restored to him.

#### *Summoning, &c., of Witnesses.*

125. The Magistrate shall ascertain from the complainant, or otherwise, the names of any persons who may be acquainted with the facts and circumstances of the case, and are likely to give material evidence for the prosecution, and shall issue his summons to such persons, under his hand and seal, requiring them to appear at a time and place mentioned in the summons before the said Magistrate, to testify what they know concerning the complaint made against the accused party.

126. If any person so summoned shall neglect or refuse to appear at the time and place appointed by the summons, and no just excuse shall be offered for such neglect or refusal, then upon proof of such summons having been served upon such person, either personally or by leaving the same for him with some adult member of his family, it shall be lawful for the Magistrate to issue a warrant, under his hand and seal, to bring such person before him to testify as aforesaid; and, if necessary, such warrant may be backed by the Magistrate of another district, in order to its being executed out of the jurisdiction of the Magistrate who shall have issued the same.

127. If the Magistrate shall be satisfied by evidence before him that it is probable that such person will not attend to give evidence without being compelled so to do, then, instead of issuing such summons, it shall be lawful for the Magistrate to issue his warrant in the first instance, which, if necessary, may be backed as aforesaid.

128. If the warrant cannot be served and the Magistrate is satisfied that the witness absconds or conceals himself for the purpose of avoiding the service thereof, the Magistrate may cause a proclamation requiring the attendance of such person to give evidence at a time and place to be named therein, to be affixed in some conspicuous place upon his house or place of abode, and if such person shall not attend at the time and place named in such proclamation, the Magistrate may order the attachment of the moveable and immoveable property of such person, to such amount as he shall deem reasonable, not being in excess of the amount of costs of attachment and of any fine to which the person may be liable under the provisions of the following Section.

129. If on the attachment of the property the witness shall appear and satisfy the Magistrate that he did not abscond or conceal himself for the purpose of avoiding the service of the warrant, and that he had not notice of the proclamation in time to attend at the time and place named therein, the Magistrate shall direct that the property be released from attachment and shall make such order in regard to the costs of the attachment as he shall deem fit. If such witness shall not appear, or appearing, shall fail to satisfy the Magistrate that he did not abscond or conceal himself for the purpose of avoiding the



service of the warrant and that he had not such notice of the proclamation as aforesaid, it shall be lawful for the Magistrate to order the property attached, or any part thereof, to be sold for the purpose of satisfying all costs incurred in consequence of such attachment, together with the amount of any fine which the Magistrate may impose upon such witness under the provisions of Section 4 of Chapter X of the Penal Code. If the witness shall pay to the Magistrate the costs and fine as aforesaid, the Magistrate shall order the property to be released from attachment.

180. If any person summoned or brought before a Magistrate shall refuse to answer such questions as shall then be put to him, without offering any just excuse for such refusal, the Magistrate may, by warrant under his hand and seal, commit the person refusing, to custody for any term not exceeding seven days, unless he shall in the meantime consent to be examined and to answer, after which, in the event of his persisting in his refusal, he may be dealt with according to the provisions of Section 108 or Section 114.

*Examination of Parties and Evidence.*

131. When a case is brought before a Magistrate, whether on complaint or on the report of a Police Officer or otherwise, in which a person is charged with an offence which is triable exclusively by the Court of Session, or which in the opinion of the Magistrate is one that ought to be tried by the Court of Session, the Magistrate shall take the evidence of the complainant, and of such persons as are stated to have any knowledge of the facts which form the subject matter of the accusation and the attendant circumstances.

132. The complainant and the witnesses for the prosecution shall be examined in the presence of the accused person or of his Agent when his personal attendance is dispensed with and he appears by Agent who shall be permitted to cross-examine them.

133. The evidence of each witness shall be taken down in writing in the language in ordinary use in proceedings before the Court by or in the presence and hearing and under the personal direction and superintendence of the Magistrate, not ordinarily in the form of question and answer, but in that of a narrative, and when completed shall be read over to the witness in the presence of the person accused if in attendance, and shall, if necessary, be corrected, and shall be signed by the Magistrate. If the evidence be taken down in a different language from that in which it has been given, and the witness does not understand the language in which it is taken down, the witness may require his deposition as taken down in writing to be interpreted to him in the language in which it was given. When the evidence of a witness is given in English the Magistrate may so take it down in his own hand. It shall be in the discretion of the Magistrate to take down or cause to be taken down any particular question and answer, if there shall appear any special reason for so doing, or any person who is a prosecutor or a person accused shall require it.

The Magistrate shall record such remarks as he may think material respecting the demeanor of any witness while under examination. In cases in which the evidence is not taken down in writing by the Magistrate himself, he shall be bound, as the examination of each witness proceeds, to make a memorandum of the substance of what such witness deposes, and such memorandum shall be written and signed by the Magistrate with his own hand, and shall form part of the record. If the Magistrate shall be prevented from making a memorandum as above required, he shall record the reason of his inability to do so.

134. It shall be in the discretion of the Magistrate at any stage of the proceedings to summon and examine any person whose evidence he may consider essential to the enquiry.

135. It shall be in the discretion of the Magistrate to examine the accused person at any stage of the enquiry, and to put such questions to him from time to time as he may consider necessary, until the enquiry before the Magistrate is completed.

136. If the accused person shall of his own accord propose to confess the commission by him of the offence of which he is accused, the Magistrate shall require him to give an account of the facts and circumstances in detail, and shall examine him thereupon to test the consistency of his relation, in the same manner as if he were a witness.

137. No influence, by means of any promise or threat, shall be used to the accused person under examination to induce him to disclose or withhold any matter within his knowledge.

138. The examination of the accused person, including every question put to him and every answer given by him, shall be recorded in full, and shall be shown or read to him, and he shall be at liberty to explain or add to his answers; and when the whole is made conformable to what he declares is the truth, the examination shall be attested by the signature of the Magistrate, who shall certify under his own hand that it was taken in his presence and in his hearing, and contains accurately the whole of the statement made by the accused person.

139. Any person attending, although otherwise than upon an arrest or summons on a charge made, may be detained by the Magistrate for the purpose of examination, for any offence which from the evidence he may appear to have committed, and proceeded against as though he had been summoned on a charge made.

140. It shall be at the discretion of the Magistrate to summon and examine any witness that may be offered in behalf of the accused person to answer or disprove the evidence against him.

141. The provisions of Sections 126, 127, 130, and 133 shall be applicable to witnesses named in support of the defence.

*Conditional Pardon.*

142. It shall be lawful for the Magistrate, recording his reasons for the same, to tender a pardon to any one or more of the persons supposed to have been directly or indirectly concerned in or privy to the offence, on condition of his or their making a full, true, and fair disclosure of the whole of the circumstances within his or their knowledge relative to the crime committed, and any other person or persons concerned in the perpetration thereof.

143. If it shall appear to a Court of Session at the time of trial or to the Sudder Court as a Court of reference, that any person to whom a pardon may have been offered has not conformed to the conditions under which the pardon was tendered, either by wilfully concealing anything essential, or by giving false evidence or information, it shall be competent to such Court to direct the commitment of such person for trial; and any statement made by such party after the conditional pardon is tendered either before the Magistrate or the Court of Session may be used as evidence against such person.

144. In like manner it shall be competent to a Court of Session, at the time of trial, and also to the Sudder Court as a Court of reference, to instruct the Magistrate to tender a pardon to one or more persons supposed to have been directly or indirectly concerned in or privy to the offence, with the view of obtaining his or their evidence on the trial.

*Bail.*

145. Where any person shall appear or be brought before a Magistrate accused of any of the offences entered as not bailable in the Schedule, such person shall not be admitted to bail, if there appear reasonable grounds for believing that he has been guilty of the crime imputed to him; but if the evidence given in support of the accusation shall, in the opinion of the Magistrate, not be such as to raise a strong presumption of the guilt of the person accused and to require his committal, or such evidence shall be adduced on behalf of the person accused as shall in the opinion of the Magistrate weaken the presumption of his guilt, but there shall appear to the Magistrate in either of such cases to be sufficient ground for judicial enquiry into his guilt, the person accused shall be admitted to bail.

146. Where any person shall appear or be brought before a Magistrate accused of any of the offences entered as bailable in the Schedule, he shall be admitted to bail.

147. Where a Magistrate shall admit to bail any person accused or suspected of any offence, a recognizance in such sum of money as the Magistrate may think sufficient shall be entered into by the person so ac-

cused and one or more sureties, conditioned that such person shall attend during the preliminary enquiry, and if required, shall appear when called upon at the Court of Session to answer the charge.

148. If through mistake or fraud insufficient bail has been taken, or if the sureties become afterwards insufficient, the accused may be ordered by the Magistrate to find sufficient sureties, and in default may be committed to prison.

149. If the accused when called upon cannot find sureties, he shall be admitted to bail upon finding the same at any time afterwards before conviction.

150. After the recognizances shall have been duly entered into, the Magistrate, in case the accused shall have appeared voluntarily, or shall be in the custody of some Officer, shall thereupon discharge him; and in case he shall be in some prison or other place of confinement, shall issue a warrant of discharge to the jailor or other person having him in his custody, who shall thereupon liberate him.

151. The sureties for any person may at any time apply to the Magistrate to be discharged from their engagements, whereupon the Magistrate shall issue his warrant directing that the person be brought before him. On the appearance of the person pursuant to the warrant or on his voluntary surrender, the Magistrate shall direct the recognizances of the sureties to be discharged, and shall call upon the person to find other sureties, and in default may order him to be committed to prison.

152. Whenever by reason of default of appearance of the party executing the personal recognizance, the Magistrate shall be of opinion that proceedings should be had to compel payment of the penalty mentioned in the recognizance, he shall proceed to enforce the penalty by the attachment and sale of the property of such party.

153. Whenever by reason of default of appearance by the party bailed, the Magistrate shall be of opinion that proceedings should be had to compel payment of the penalty mentioned in the recognizance of the surety or sureties, he shall give notice to the surety or sureties to pay the same, or to show cause why it should not be paid; and, if no sufficient cause shall be shown, the Magistrate shall proceed to recover the penalty from such surety or sureties by the attachment and sale of any of his or their property, and if the penalty be not paid and cannot be recovered by such attachment and sale, such surety or sureties shall be liable to confinement, by order of the Magistrate, in the Civil jail, during a period not exceeding six months.

*Warrant of Commitment.*

154. Every warrant for the commitment of a person to custody shall be directed to some jailor, keeper, or other Officer or person having authority to receive and keep prisoners, either by his name or official

description, and shall be in the form (C) given in the Appendix or to the like effect.

155. The warrant of commitment shall be lodged with the jailor, if he be in the jail; and if he be not, with his deputy; and if he has no deputy, it may be lodged with any Officer of the jail then being in the jail.

*Adjournment.*

156. If from the absence of witnesses or from any other reasonable cause, it shall become necessary or advisable to defer the examination, or further examination, of witnesses for any time, it shall be lawful for the Magistrate, by a written order, from time to time to adjourn the enquiry, and to remand the person accused for such time as shall be deemed reasonable, not exceeding fifteen days; provided also that, instead of detaining the accused person in custody during the period for which he shall be so remanded, the Magistrate may discharge him, upon his entering into a recognizance, with or without a surety or sureties, at the discretion of such Magistrate, conditioned for his appearance before the Magistrate at the time and place appointed for the continuance of such examination.

*Discharge of the Accused.*

157. When a Magistrate finds that there are not sufficient grounds for putting the accused person on his trial on a formal charge, or for remanding him, he shall discharge him.

*Commitment &c., of the Accused for Trial.*

158. When evidence has been given before a Magistrate which appears to be sufficient for the conviction of the accused of an offence which is triable exclusively by the Court of Session, or which in the opinion of the Magistrate is one that ought to be tried by the Court of Session, the person accused shall be sent for trial by the Magistrate before the Court of Session.

159. As soon as the charge on which the accused person is to be tried has been prepared, it shall be read to him, and a copy or translation of it shall be furnished to him if he require it. He shall be at liberty, at any time within forty-eight hours after the reading of the charge, to give in, orally or in writing, a list of witnesses whom he may wish to be summoned to give evidence on his trial before the Court of Session. The Magistrate shall receive the list, and summon the witnesses to appear before the Court before which the accused is to be tried. The provisions of Sections 126 and 127, so far as they relate to the compulsory attendance of witnesses, shall be applicable to witnesses named by the accused in the lists above mentioned.

160. When the preliminary enquiry is concluded, the accused person shall be entitled to copies of the depositions made at his own expense, if he demands them at a reasonable time before the trial.

161. When the accused person is committed to take his trial before the Court of Session, the Magistrate shall issue an order to the Government Pleader or other Officer appointed by the Government to conduct trials before the Court of Session, notifying such commitment and stating the offence in the same form as the charge. Nothing in this Section shall preclude the Magistrate (if he shall think fit) from appointing a person other than such Government Pleader or Officer to conduct a trial.

162. Prosecutors and witnesses for the prosecution whose attendance may be necessary before the Court of Session shall execute recognizances before the Magistrate to be in attendance when called upon at the Court of Session, to prosecute or to give evidence as the case may be. If any prosecutor or witness shall refuse to attend before the Court of Session or to execute the recognizance above directed, it shall be competent to the Magistrate to detain such prosecutor or witness in custody until he shall execute such recognizance, or until the time when his attendance at the Court of Session is required, when the Magistrate shall forward such prosecutor or witness under custody to the Court of Session.

CHAPTER XII.

ON THE CHARGE.

163. When the Magistrate has determined to send the accused person before the Court of Session for trial, or put him on his trial before himself for any offence punishable under the Penal Code with imprisonment for a period exceeding six months, he shall make a written instrument under his hand and seal, declaring with what offence the accused is charged, and within the cognizance of what Court the offence is, and shall direct the accused to be tried by such Court on such charge. In all cases sent for trial to the Court of Session the Magistrate shall send a copy of this instrument, with the proceedings, to the public prosecutor, where such Officer has been appointed, otherwise to the Court before which the defendant is to be tried. In the latter case the Magistrate shall also send a copy of the charge to the Government Pleader or other Officer or person appointed to conduct the prosecution.

164. The charge shall describe the imputed offence as nearly as possible in the language of the Penal Code, and shall refer to the Chapter and Section under which such offence is punishable.

165. It shall not be necessary to allege in the charge any circumstances for the purpose of showing that the case does not come, nor shall it be necessary to allege that the case does not come, within any of the General Exceptions contained in Chapter IV of the Penal Code, but every charge shall be understood to assume the absence of all such circumstances.

166. It shall not be necessary at the trial, on the part of the prosecutor, to prove the absence of such circumstances in the first instance; but the accused person shall be entitled to give

evidence of the existence of any such circumstances, and evidence in disproof thereof may be given on the part of the prosecutor.

167. Where the Chapter and Section itself referred to in the charge contains an exception, not being one of such General Exceptions, the charge shall not be understood to assume the absence of circumstances constituting such exception so contained in the Chapter and Section, without a distinct denial of the existence of such circumstances.

168. The charge may contain one or more heads.

*Charges containing One Head.*

169. Where a charge contains one head only, the form shall be as follows, or to the same effect :

*Forms of Charge.*

(a). I A [name and office of Magistrate, &c.,] declare that there is hereby made against Z the charge :

(b). That he, on or about the day of at , waged war against the Government, and that he has thereby committed an offence punishable under Section 1 Chapter VI of the Penal Code, (c) and within the cognizance of the [style of the Court.]

(d). And I hereby direct that Z be tried by the said Court on the said charge.

[Signature and seal of the Magistrate.]

Where the Magistrate tries the case, there must be substituted for (c) the words " within my cognizance : " and the words " by the said Court " in (d) may be omitted,

To be substituted for (b) ,

(2). That he, on or about the day of at , with the intention of inducing the Honorable A. B. a Member of the Council of the Governor General of India to refrain from exercising a lawful power as such Member, assaulted such Member, and that he has thereby committed an offence punishable under Section 3 Chapter VI of the Penal Code.

(3). That he on or about the day of at , committed the offence of rioting by being present at , and that he has thereby committed an offence punishable under Section 7 Chapter VIII of the Penal Code, and within the cognizance of the [style of the Court.]

(4). That he, being a public servant in the Department, directly accepted from [state the name] for another party [state the name] a gratification, other than legal remuneration, as a motive for his, the said Z's, forbearing to do an official act, and that he has thereby committed an offence punishable under Section 1 Chapter IX of the Penal Code, and within the cognizance of the [style of the Court.]

(5). That he, on or about the day of at , committed culpable homicide not amounting to murder, causing the death of and that

he has thereby committed an offence punishable under Section 6 Chapter XVI of the Penal Code and within the cognizance of the [style of the Court.]

(6). That he, on or about the day of at , abetted the commission of suicide by A. B. a person in a state of intoxication, and that he has thereby committed an offence punishable under Section 8 Chapter XVI of the Penal Code, and within the cognizance of the [style of the Court.]

(7). That he, on or about the day of at , voluntarily caused grievous hurt to and that he has thereby committed an offence punishable under Section 27 Chapter XVI of the Penal Code, and within the cognizance of the [style of the Court.]

(8). That he, on or about the day of at , committed robbery, and that he has thereby committed an offence punishable under Section 14 Chapter XVII of the Penal Code, and within the cognizance of the [style of the Court.]

(9). That he, on or about the day of at , committed dacoity, and that he has thereby committed an offence punishable under Section 17 Chapter XVII of the Penal Code, and within the cognizance of the [style of the Court.]

(10). That he, on or about the day of at , committed lurking house-trespass by night in the house of , and that he has thereby committed an offence punishable under Section 80 Chapter XVII of the Penal Code, and within the cognizance of the [style of the Court.]

And the same form shall be followed, as nearly as may be, in charges with one head only, upon other Sections of the Penal Code.

*Charges containing Two or more Heads.*

170. When it appears to the Magistrate that the facts which can be established in evidence show a case falling within two or more Sections of the Penal Code, the charge shall contain two or more heads, each of which shall be applicable to one of such Sections.

171. When it appears to the Magistrate that the facts which can be established in evidence show the commission of two or more offences punishable under the same Section of the Penal Code, the charge shall contain two or more heads charging such offences respectively.

172. When it appears to the Magistrate that the facts which can be established in evidence show a case within some one of two or more Sections of the Penal Code, but it is doubtful which of such Sections will be applicable, or show the commission of one of two or more offences punishable under the same Section of the Penal Code,



but it is doubtful which of such offences will be proved to have been committed, the charge shall contain two or more heads, framed respectively on each of such Sections or charging respectively each of such offences accordingly.

173. When a charge contains more heads than one, the form shall be as follows, or to the same effect :

*Forms of charge.*

I, A [name and office of Magistrate, &c.,] declare that there is hereby made against Z the charge :

*First:* That he, on or about the day of at , knowing a coin to be counterfeit, delivered the same to another person by name A. B. as genuine, and that he has thereby committed an offence punishable under Section 13 Chapter XII of the Penal Code, and within the cognizance of the [style of the Court.]

*Secondly:* That he, on or about the day of at , knowing a coin to be counterfeit, attempted to induce another person by name A. B. to receive it as genuine, and that he has thereby committed an offence punishable under Section 13 Chapter XII of the Penal Code, and within the cognizance of the [style of the Court.]

*Thirdly.*—That he has been in possession of counterfeit coin, having known at the time how he became possessed thereof that such coin was counterfeit, and has thereby committed an offence as punishable under Section 14 Chapter XII of the Penal Code, and within the cognizance of the [style of the Court.]

And I hereby direct that Z be tried by the said Court on the said charge.

[Signature and seal of the Magistrate, &c.,]

*First:* That he, on or about the day of at , committed murder by causing the death of , and that he has thereby committed an offence punishable under Section 4 Chapter XVI of the Penal Code, and within the cognizance of the [style of the Court.]

*Secondly:* That he, on or about the day of at , by causing the death of , committed culpable homicide, and that he thereby committed an offence punishable under Section 6 Chapter XVI of the Penal Code, and within the cognizance of the [style of the Court.]

*First:* That he, on or about the day of at , committed theft, and that he has thereby committed an offence punishable under Section 2 Chapter XVII of the Penal Code, and within the cognizance of the [style of the Court.]

*Secondly:* That he, on or about the day of at , committed theft, having made preparation for causing death to a person in order to the committing of such theft, and that he has thereby committed an offence punishable under Section 4 Chapter XVII of the Penal Code, and within the cognizance of the [style of the Court.]

*Thirdly:* That he, on or about the day of at , committed theft, having made preparation for causing restraint to a person in order to the effecting of his escape after the committing of such theft, and that he has thereby committed an offence punishable under Section 4 Chapter XVII of

the Penal Code, and within the cognizance of the [style of the Court.]

*Fourthly:* That he, on or about the day of at , committed theft, having made preparation for causing fear of hurt to a person in order to the retaining of property taken by such theft, and that he has thereby committed an offence punishable under Section 4 Chapter XVII of the Penal Code, and within the cognizance of the [style of the Court.]

*First:* That he, on or about the day of at , committed theft, and that he has thereby committed an offence punishable under Section 2 Chapter XVII of the Penal Code and within the cognizance of the [style of the Court.]

*Secondly:* That he, on or about the day of at , committed criminal breach of trust, and that he has thereby committed an offence punishable under Section 28 Chapter XVII of the Penal Code, and within the cognizance of the [style of the Court.]

And the same shall be followed, as nearly as may be, in charges with more heads than one, upon other Sections of the Penal Code.

174. It shall be competent to the Court, at any stage of a trial, to amend or alter the charge.

175. If the amendment or alteration is such that proceeding immediately with the trial is not likely, in the opinion of the Court, to prejudice the accused person in his defence, it shall be at the discretion of the Court, after making the amendment or alteration, to proceed with the trial as if the amended charge had been the original charge.

176. If the amendment or alteration is such that proceeding immediately with the trial is likely, in the opinion of the Court, to prejudice the accused person in his defence, the Court may either direct a new trial, or suspend the trial for such period as may be necessary to enable him to make his defence to the amended or altered charge, and after hearing his defence, may further adjourn the trial to admit of the appearance of any witnesses whose evidence the Court may consider to be material to the case, or whom the accused person may wish to be summoned in his defence. If after the reading of the amended or altered charge to the accused person no postponement is considered necessary by the Court, the Court may at once proceed with the trial.

177. In all cases of amendment or alteration of a charge, the accused person shall be allowed to recall and cross-examine any witness that may have been examined for the prosecution.

CHAPTER XIII.

OF OFFENCES TRIABLE BY THE MAGISTRATE.

*When a Warrant on Complaint may issue against the accused person.*

178. In all cases where a complaint shall be made before a Magistrate having jurisdiction in the case that any person has committed, or is suspected to have committed,

Cases in which Magistrate may issue a warrant.



any offence triable by such Magistrate, and which is punishable under the Penal Code with imprisonment for a period exceeding six months, it shall be lawful for such Magistrate to issue his warrant to apprehend such person; provided always that in all cases it shall be lawful for the

Summons instead of warrant.

Magistrate to whom such complaint shall be made, if he shall so think fit, instead of issuing in the first instance his warrant to apprehend the person so complained against, to issue his summons requiring him to appear to answer to such complaint.

179. The provisions of Chapter XI relating to the issuing of process for causing

Issue of process.

the attendance of the accused, the summoning and enforcing the attendance of witnesses, the examination of parties and evidence (except the provision relating to evidence in behalf of the accused in Section 140), the taking of bail, the warrant of commitment, the adjournment of a case, and the discharge of the person accused, shall be applicable to cases described in the last preceding Section.

180. When the evidence of the complainant and of the witnesses for the

Charge.

prosecution, and such examination of the accused person as the Magistrate may consider necessary, have been taken, if the Magistrate finds that no offence has been proved against the accused, he shall discharge him. If he finds that an offence is apparently proved against the accused which falls within the definition in a certain Chapter and Section of the Penal Code, or within one or other of the definitions in several Chapters or Sections of the Code, he shall prepare in writing a charge against the accused in the manner prescribed in Chapter XII of this Act.

181. The charge shall then be read to the accused person, and unless the

Plea.

case is one which in the opinion of the Magistrate ought to be tried by the Court of Session, he shall be asked whether he be guilty or not guilty of the offence charged.

182. If the defendant plead "not guilty" to the charge or refuse to plead,

Plea of "not guilty."

he shall be called upon to enter upon his defence and produce his witnesses if in attendance, and shall be allowed to recall and cross-examine the witnesses for the prosecution.

183. The Magistrate shall summon any witness

Evidence for the defence.

and examine any evidence, that may be offered in behalf of the accused, to answer or disprove the evidence against him, and may, for this purpose, at his discretion, adjourn the trial to such future time as may be necessary, and so from time to time.

184. The provisions of Sections 126, 127, 130, and 133 shall be applicable to witnesses named in support

Witnesses for the defence.

of the defence.

185. If the accused is convicted, the Magistrate shall pass sentence upon him according to law.

Conviction.

186. In any trial before a Magistrate, wherein it may appear, at any stage of the proceedings, that from any cause the case is one which the Magistrate is not competent to try, the Magistrate shall stop further proceedings under this Chapter, and shall proceed in

How the Magistrate is to proceed when, after commencement of trial, he finds the case beyond his jurisdiction.

accordance with the rules of Chapter XI for conducting preliminary investigations in cases triable by the Court of Session.

*When a Summons on Complaint shall issue to the Defendant.*

187. In all cases where a complaint shall be made before a Magistrate, Summons shall have jurisdiction in the case, issue. that any person has committed

or is suspected to have committed any offence other than the offences provided for in Section 178, for which he is liable, upon a summary conviction for the same before a Magistrate, to be imprisoned or fined, or otherwise punished, it shall be lawful for such Magistrate to issue his summons directed to such person, stating shortly the matter of such complaint, and requiring him to appear at a certain time and place before such Magistrate, to answer to the said complaint; provided

When warrant may issue.

ed that, if the Magistrate shall be satisfied by evidence before him that the accused is about to abscond, then, instead of issuing such summons, it shall be lawful for him to issue his warrant in the first instance for the arrest of the accused.

188. The provisions of Section 123 shall be applicable in respect of warrants issued under the provisions of this Chapter.

189. It shall be competent to the Magistrate, before issuing a summons to the accused party, to examine

When Magistrate may refuse summons.

the complainant as to the specific facts of the case; and if upon such examination it shall appear to the Magistrate that there is no sufficient ground for summoning the accused, he may refuse the summons.

190. If the person served with a summons

If summons be not obeyed, warrant.

shall not appear before the Magistrate at the time and place mentioned in such summons, and it shall be made to appear to the Magistrate that such summons was so served in what shall be deemed by the Magistrate to be a reasonable time before the time therein appointed for appearing to the same, or if it shall appear to the Magistrate that after due diligence the summons could not be served on the accused person or on any adult male member of his family, the Magistrate may, upon declaration being made before him substantiating the matter of such complaint to his satisfaction, issue his warrant to apprehend the person so summoned, and to bring such person before him to answer to the said complaint.

191. The Magistrate may, if he sees sufficient

Magistrate may dispense with personal attendance of accused.

cause, dispense with the personal attendance of the party complained against, and permit him to appear by an agent duly authorized to act in his behalf. Provided that it shall be at the discretion of the Magistrate, at any stage of the proceedings, to direct the personal attendance of such party.

*Summoning &c. of Witnesses.*

192. If it shall be made to appear to the Magistrate that any person is

Summons to witness to attend and give evidence.

likely to give material evidence in behalf of the complainant or the accused person in any such

case as is described in Section 187, and will not voluntarily appear for the purpose of being examined as a witness at the time and place appointed for the hearing of such complaint, such Magistrate shall issue his summons to such person under his hand and seal, requiring him to appear at a time and place mentioned in the summons, before the said Magistrate, to testify what he knows concerning the matter of the said complaint.

193. It shall be lawful for the Magistrate to direct that, before any process is issued for the attendance of witnesses in any such case as is referred to in the last preceding Section, the person preferring the charge shall deposit in the hands of the proper Officer a sufficient sum for the maintenance of the witnesses who may be summoned on his application, during their attendance at the Magistrate's Court, and the Magistrate shall regulate the amount of diet money so required, with reference to the probable period such witnesses may have to be in attendance, and in the event of the prolonged detention of witnesses, shall direct the deposit of any further sum which to the said Magistrate may seem requisite.

194. It shall be at the discretion of the Magistrate, at any stage of the trial, to summon and examine any witnesses whose evidence he may consider essential to the just decision of the case.

195. The provisions of Sections 126, 127, and 130 shall be applicable to witnesses summoned according to the provisions of Sections 192 and 194.

#### Bail.

196. If upon the day and at the place appointed, the accused person shall attend voluntarily in obedience to the summons in that behalf served upon him, or shall be brought before the Magistrate by virtue of any warrant, it shall be at the discretion of the Magistrate to admit the accused person to bail, or allow him to be at large upon his personal recognizance. If he cannot give bail, when required to do so, he shall be committed to custody.

197. If upon the day appointed for the appearance of the accused or any day subsequent thereto, on which the case may be called on, the complainant does not appear, the Magistrate shall dismiss the complaint; unless for some reason he shall think proper to adjourn the hearing of the same unto some other day, upon such terms as he shall think fit.

198. On the appearance of both parties for the hearing of the case, the substance of the complaint shall be stated to the accused person and he shall be asked if he have any cause to show why he should not be convicted; and if he thereupon admit the truth of such complaint, and show no cause, or no sufficient cause, why he should not be convicted, then the Magistrate may convict him accordingly.

199. If the accused do not admit the truth of the complaint, then the Magistrate shall proceed to hear the complainant, and such witnesses as he may produce in support of his complaint, and also to hear the accused and such witnesses as he may produce in his defence; and having heard the parties and their witnesses, shall consider the whole matter and determine the same, and shall convict the accused person or dismiss the complaint, as the case may be.

200. The evidence of each witness shall be taken down in writing in the language in ordinary use in proceedings before the Court by or in the presence and hearing and under the personal direction and superintendence of the Magistrate, not ordinarily in the form of question and answer, but in that of a narrative, and when completed shall be read over to the witness in the presence of the person accused if in attendance, and shall, if necessary, be corrected and shall be signed by the Magistrate. If the evidence be taken down in a different language from that in which it has been given, and the witness does not understand the language in which it is taken down, the witness may require his deposition as taken down in writing to be interpreted to him in the language in which it was given. When the evidence of a witness is given in English the Magistrate may so take it down in his own hand. It shall be in the discretion of the Magistrate to take down or cause to be taken down, any particular question and answer, if there shall appear any special reason for so doing, or any person who is a prosecutor or a person accused shall require it. The Magistrate shall record such remark as he may think material respecting the demeanour of any witness whilst under examination. In cases in which the evidence is not taken down in writing by the Magistrate himself, he shall be bound, as the examination of each witness proceeds, to make a memorandum of the substance of what such witness deposes, and such memorandum shall be written and signed by the Magistrate with his own hand, and shall form part of the record. If the Magistrate shall be prevented from making a memorandum as above required, he shall record the reason of his inability to do so.

201. It shall be competent to the Magistrate in any such case as is described in Section 187, instead of taking down in writing at length the evidence of each witness, to make a memorandum of the substance thereof as the examination of the witness proceeds. The memorandum shall be written and signed by the Magistrate with his own hand and shall form part of the record. If the Magistrate shall be prevented from making a memorandum as above required he shall record the reason of his inability to do so, and shall cause such memorandum to be made in writing from his dictation in open Court, and shall sign the same, and such memorandum shall form part of the record.

202. Before or during the hearing of any complaint, it shall be lawful for the Magistrate to adjourn the hearing of the same to a future day, to be then appointed and stated in the presence and hearing

of the party or parties; and if on the day to which such hearing or such further hearing shall be so adjourned, the accused person shall not appear, the Magistrate may issue his warrant for the arrest of such person, and if the complainant shall not appear, the Magistrate may dismiss such complaint.

203. If the accused person is convicted, the Magistrate shall pass sentence upon him according to law.

204. In all cases of summary conviction of offences of the nature described in Section 187, it shall be lawful for the Magistrate making the same, in his discretion, to award that the accused person shall pay to the complainant such costs as to such Magistrate shall seem just and reasonable; and in cases where such Magistrate, instead of convicting as aforesaid, shall dismiss the complaint, it shall be lawful for him, in his discretion, in and by his order of dismissal, to award and order that the complainant shall pay to the accused person such costs as to such Magistrate shall seem just and reasonable; and the sums so allowed for costs shall always be specified in such conviction, or order of dismissal aforesaid, and shall be recoverable by distress and sale of the goods and chattels of the party, and, in default of such distress, by imprisonment, without labor, in the Civil jail for any time not exceeding thirty days unless such costs shall be sooner paid.

#### CHAPTER XIV.

##### OF ENQUIRIES AND TRIALS BEFORE THE SUBORDINATE CRIMINAL COURTS.

205. Criminal cases shall be brought before the Subordinate Criminal Courts by reference by the Magistrate. It shall, however, be at the discretion of the Government, respect being had to the public convenience, to authorize a Subordinate Criminal Court also to receive such cases on complaint preferred directly to such Court, or on the report of a Police Officer.

206. Whenever a Criminal case is referred by a Magistrate to a Subordinate Criminal Court, the order of reference, if the case have been transmitted by a Police Officer, shall be recorded on such Officer's report, and if the complaint have been preferred direct to the Magistrate, the process for causing the attendance of the accused shall be made returnable to the Court to which the case is preferred, and the witness shall be directed by the summons to attend at such Court.

207. In the trial of Criminal cases, whether brought before them on reference by the Magistrate, or directly by complaint preferred to themselves, or by the report of a Police Officer, the Subordinate Criminal Courts shall be guided by the rules prescribed for the guidance of the Magistrate in similar cases, and Police Officers and others shall be bound to obey all orders and processes issued in such cases by a Subordinate Criminal Court in like manner as if they had been issued by the Magistrate.

208. In every case before a Subordinate Criminal Court, wherein the Court, at any stage of the proceedings, may be of opinion that the evidence is such as to warrant a presumption that the defendant has been guilty of an offence calling for a more severe punishment than the Court is authorized to adjudge, it shall not proceed with the trial but shall submit its proceedings to the Magistrate, who shall either try the case himself, or refer it to any other Subordinate Criminal Court having jurisdiction. In either case the Court which gives judgment in the trial shall examine the parties as if no proceedings had been held in any other Court, and may, if it think necessary, recall any witnesses who have already given evidence.

209. Provided that nothing in the last preceding Section shall be held to interfere with the exercise of power specially conferred upon a Subordinate Criminal Court, in regard to committing or holding to bail persons charged with Criminal offences to take their trial before the Courts of Session.

#### CHAPTER XV.

##### PLACE WHERE PRELIMINARY INVESTIGATIONS AND TRIALS HELD, AN OPEN COURT.

210. The room or place in which the Court of a Magistrate, or any Subordinate Criminal Court, shall be held for the trial of any complaint or for the purpose of conducting any preliminary investigation into any case triable by a Court of Session, shall be deemed an open and public Court, to which the public generally may have access, so far as the same can conveniently contain them; but it shall be lawful for any such Court, if it shall think fit, to order that during the investigation into any particular case triable by a Court of Session no person shall have access to, or be, or remain in such room or building without the consent or permission of the Court.

#### CHAPTER XVI.

##### OF RECOGNIZANCE AND SECURITY TO KEEP THE PEACE.

211. Whenever a person charged with rioting, assault, or other violent breach of the peace, or with abetting the same, or with assembling armed men or taking other unlawful measures with the evident intention of committing the same, shall be convicted of such charge before any Criminal Court by which the offence may be cognizable; and the Court by which a final sentence or order in the case may be passed, shall be of opinion that it is just and necessary to require a penal recognizance for keeping the peace from the person so convicted; it shall be lawful to the Court passing the final sentence or order, in addition thereto, to direct that the person so convicted be required to execute a formal engagement in a sum proportionate to his condition in life and the circumstances of the case, for

keeping the peace during such period as it may appear proper to fix in each instance, not exceeding one year if the sentence or order be passed by a Magistrate or other Officer exercising the powers of a Magistrate, or three years if the sentence or final order be passed by the Sudder Court, or by a Court of Session.

212. In cases wherein it may appear necessary to require security for keeping the peace in addition to the personal recognizance of the party so convicted, it shall also be lawful to the Court passing the final sentence or order, to require the same, and to fix the amount of the security bond to be executed by the surety or sureties; with a provision that if the same be not given the party required to find the security shall be kept in custody for any time not exceeding one year if the order be passed by a Magistrate or other Officer exercising the powers of a Magistrate, or three years if the order be passed by the Sudder Court or by a Court of Session.

213. It shall be lawful for a Magistrate, whenever he shall receive credible information that any person, whether a European British subject or not, is likely to commit a breach of the peace or to do any act that may probably occasion a breach of the peace, to summon such person to attend at a time and place mentioned in the summons to show cause why he should not be required to enter into a bond to keep the peace with or without sureties as the Magistrate shall think fit.

214. The summons shall set forth the substance of the information, the amount of the bond and the term for which it is to be in force, and if security is called for, the number of securities required and the amount in which they are to be bound respectively.

215. The penalty of such bond, which shall be in the form (D) given in the Appendix or to the like effect, shall be fixed with a due regard to the circumstances of the case and the means of the party, and the amount in which the sureties shall be bound shall not exceed the said penalty.

216. If the person summoned shall not attend on the day appointed, the Magistrate, if satisfied that the summons has been served by delivery thereof to him or to an adult male member of his family, may issue a warrant for his arrest. Provided always that, whenever it shall appear to a Magistrate upon the report of a Police Officer or upon other credible information, the substance of which report or information shall be recorded, that there is just reason to fear the commission of a breach of the peace, which may probably be prevented by the immediate arrest of any person, it shall be lawful for the Magistrate at any time to issue a warrant for the arrest of such person.

217. A Magistrate may, if he sees sufficient cause, dispense with the personal attendance of the party informed against and permit him to appear and enter into the required bond or show cause against such requisition by an agent duly authorized to act in his behalf.

218. If on the appearance of the party informed against in person or by an authorized agent, the Magistrate shall not be satisfied that there is occasion to bind such party to keep the peace, he shall discharge him.

219. If the Magistrate shall be satisfied that it is necessary for the preservation of the peace to take a bond from such party with or without security, he shall make an order accordingly; and if the party shall fail to comply with the order, it shall be lawful for the Magistrate to commit him to jail.

220. The period for which a Magistrate may bind a person to keep the peace with or without security, shall not exceed one year, and when a person shall be committed to jail under the last preceding Section, he shall not be detained by authority of the Magistrate beyond the term of one year, and shall be released whenever he shall comply with the order within that term.

221. Provided that, whenever it shall appear to a Magistrate that it is necessary for the preservation of the peace to bind a person beyond the term of one year, he may, before the expiration of the first year, record his opinion to that effect and the grounds thereof, and may refer the case for the orders of the Court of Session, and the Court, after examining the proceedings of the Magistrate and making such further enquiry that he may think necessary, may, if he shall see cause, authorize the Magistrate to extend the term for a further period not exceeding one year, and if the party shall fail to give a bond, with security if required, for his keeping the peace for such further period as the Magistrate shall direct under the orders of the Court of Session, he may be kept in confinement for such further period or until he shall give such bond within that period.

222. A Magistrate may, if he shall see sufficient cause, discharge any recognizances and securities for keeping the peace taken under the preceding Sections, and may order the release of persons confined for default in entering into such recognizances or giving such securities.

223. The sureties for the personal appearance of the defendant may at any time apply to the Magistrate to be relieved from their engagements as sureties; whereupon the Magistrate shall issue his warrant directing that the defendant be brought before him. On the appearance of the defendant to such warrant or on his voluntary surrender, the Magistrate shall direct the engagement of the sureties to be cancelled and shall call upon the defendant to give fresh security, and in default thereof shall commit him to custody.

224. Whenever it may be proved before the Magistrate that any such bond has been forfeited, he shall proceed to enforce the penalty of the bond by the attachment and sale of any of the property of the party bound thereby, and if the penalty be not paid and cannot be recovered by such attachment and sale, the party shall be liable to imprisonment by order:



of the Magistrate in the Civil jail of the station, for a period not exceeding six months.

225. Whenever it may be proved before the Magistrate that any such bond has been forfeited, if security shall have been taken, the Magistrate at his discretion may give notice to the surety or sureties to pay the penalty to which they have thereby become liable, or to show cause why it should not be paid; and if no sufficient cause be shown, the Magistrate may proceed to recover the penalty from such surety or sureties in the same manner as from the principal party.

## CHAPTER XVII.

### SECURITY FOR GOOD BEHAVIOUR.

226. Whenever it shall appear to a Magistrate that any person is lurking within his jurisdiction not having any ostensible means of subsistence, or who cannot give a satisfactory account of himself, it shall be competent to the Magistrate to require security for the good behaviour of such person for a definite period not exceeding six months.

227. Whenever it shall appear to a Magistrate, from the evidence to general character adduced before him, that any person is by repute a robber, house-breaker, or thief, or a receiver of stolen property knowing the same to have been stolen, or of notoriously bad livelihood, it shall be competent to the Magistrate to require security for the good behaviour of such person for a definite period not exceeding one year.

228. Whenever it shall appear to a Magistrate, from the evidence to general character adduced before him, that any person is by habit a robber, house-breaker, or thief, or a receiver of stolen property knowing the same to have been stolen, of a character so desperate and dangerous as to render his release, without security, at the expiration of the limited period of one year, hazardous to the community, the Magistrate shall record his opinion to this effect, with an order specifying the amount of security which should, in his judgment, be required from such person, as well as the number of sureties, and the period, not exceeding three years, for which the sureties should be responsible for such person's good behaviour.

229. If the person required to furnish security, as provided in the last preceding Section, shall not furnish the security so required, the proceedings shall be laid, as soon as conveniently may be, before the Court of Session, which, after examining them, and requiring any further information or evidence which it may judge necessary, shall be competent to pass orders on the case, either confirming, modifying, or annulling the orders of the Magistrate, as it may judge proper.

230. In all such cases, if the Court of Session shall not think it safe to direct the immediate discharge of such person, it shall fix a limited period for his detention, not exceeding three years, in the

event of his not giving the security required from him.

231. In every instance in which security for good behaviour may be required by the Court of Session or the Magistrate, the amount of the security, the number of sureties, and the period of time for which the sureties are to be responsible for the good conduct of the person required to furnish security, shall be stated.

232. In the event of any person required to give security under the provisions of the foregoing Sections failing to furnish the security so required, he shall be committed to prison until he furnish the same; provided always that no party shall be kept in prison for a longer period than that for which the security has been required from him.

233. The Magistrates are empowered, at all times, to exercise their discretion in releasing, without reference to any other authority, prisoners confined under requisition of security for good behaviour, whether by their own orders or by those of any other person discharging the functions of a Magistrate; provided the Magistrates shall, from whatever cause, be of opinion that such prisoners can be released without hazard to the community.

234. In cases in which a Magistrate may, for whatever reason, be of opinion that any prisoner confined under requisition of security for good behaviour, by order of a Court of Session, can be safely released without such security, the Magistrate shall make an immediate report of the case, with his sentiments, for the orders of the Court which shall have required the prisoner to furnish security previously to his release.

235. The sureties for the good behaviour of a party may at any time apply to the Magistrate to be relieved from their engagements as sureties; whereupon the Magistrate shall issue his warrant directing the party to be brought before him. On the appearance of the party pursuant to the warrant or on his voluntary surrender, the Magistrate shall direct the engagements of the sureties to be cancelled, and shall call upon the party to give fresh security, and in default thereof shall commit him to custody.

236. Whenever the Magistrate shall be of opinion that, by reason of an offence proved to have been committed by the person for whose good behaviour security has been given, proceedings should be had upon the bond executed by the surety or sureties, he shall give notice to the surety or sureties to pay the penalty, or to show cause why it should not be paid; and if no sufficient cause be shown, the Magistrate shall proceed to recover the penalty from such surety or sureties by the attachment and sale of any of his or their property, and if the penalty be not paid, and cannot be recovered by such attachment and sale, such surety or sureties shall be liable to imprisonment by order of the Magistrate in the Civil jail of the station, for a period not exceeding six months.



237. The several provisions of the last preceding Chapter relating to the issue of summons and warrant of arrest, shall apply to proceedings taken under this Chapter against persons required to give security for their good behaviour.

# CHAPTER XVIII. JURIES.

238. Criminal trials before the Court of Session shall be by Jury.

239. In trials before the Court of Session in which a European not being a British subject, or an American, or an East Indian, or an Armenian, is the accused person or one of the persons accused, one-half at least of the Jury shall consist, if the accused desire it, of persons (qualified to serve on Juries) of his own race or class, if practicable; or if that be not practicable, of Europeans, Americans, East Indians, or Armenians so qualified.

240. In trials before the Court of Session in which a person not belonging to any of the races or classes specified in the last preceding Section shall be tried either alone or jointly with any person belonging to any of the said races or classes, one-half of the Jury, if the accused person who does not belong to any such race or class desire it, shall consist of persons not belonging to any of the said races or classes.

241. In trials by Jury before the Court of Session the Jury shall consist of such number of persons, not being less than four, as the Court shall direct.

242. If the Jury are unanimous in a verdict of guilty, or if a majority of the Jury find a verdict of guilty and the Court concur in such finding, the accused shall be convicted. If the Jury be equally divided in opinion, the Court shall decide whether the accused shall be convicted or acquitted. In all other cases the accused shall be acquitted.

243. All persons resident within the limits of the jurisdiction of the Court of Session shall, according to such rules, and subject to such qualifications as shall be fixed in manner hereinafter mentioned, be deemed capable of serving as Jurors and shall be liable to be summoned accordingly.

244. All residents within the district between the ages of twenty-five and fifty-five years are qualified and liable to serve on Juries in Criminal trials before the Court of Session, except such persons as are hereinafter excepted.

245. The following persons are incapable of serving on Juries in Criminal trials before the Court of Session, namely:—

Persons who hold any Office in, or under the said Court, or receive any pay or emolument for any employment under any Officer thereof.

Persons executing any duties of Police or entrusted with any Police functions.

Persons who have been convicted of any offence against the State or of any fraudulent or infamous offence.

Persons who are afflicted with any infirmity of body or mind, sufficient to incapacitate them from serving.

Persons who, by habit or religious vows, have relinquished all care of worldly affairs.

Persons who are unable to understand the language in which the trial is conducted.

246. The following persons are exempt from the liability to serve on Juries, namely

Judges and other Judicial Officers.

Commissioners and Collectors of Revenue.

Chaplains and others employed in Religious Offices.

All persons in the Military service.

Surgeons and others who openly and constantly practice in the profession of physic.

Persons employed in the Post Office and Electric Telegraph Departments.

Brahmins Moollahs and others actually officiating as Priests in their respective religions.

Persons exempted by Government from personal appearance in Court under the provisions of Section 22 of Act VIII of 1859 (*for simplifying the Procedure of the Courts of Civil Judicature not established by Royal Charter*).

The exemption from service given by this Section is a right of which each person exempted may avail himself or not. Nothing herein contained shall be construed to disqualify any such person if he shall be willing to serve on Juries.

247. In the month of \_\_\_\_\_ in every year the Collector shall prepare and make out in alphabetical order a list of persons residing within fifteen miles from the place where Criminal trials before the Court of Session are held, or within such other distance as the local Government may think fit to direct, who are, in the judgment of the Collector, the best qualified from their education and character to serve as Jurors. The list shall contain the name, place of abode, and quality or business of every such person; and if the person belongs to any of the races or classes specified in Section 239, the list shall mention the race or class to which he belongs.

248. Copies of such list shall be stuck up in the Office of the Collector and in the Court-house of the Magistrate and of the Judge, and in some conspicuous place or places in the town or station where or in the vicinity of which the persons named in the list reside, and every such copy shall have subjoined to it a notice, stating that objections to the list will be heard and determined

by the Collector at a time and place to be mentioned in the notice.

249. The Collector shall, at the time and place mentioned in the notice, revise the list, striking out the names of persons not qualified in his judgment to serve as Jurors, and inserting in the list the names of persons omitted therefrom, whom he deems qualified for such service. A copy of the revised list shall be signed by the Collector and transmitted to the Court of Session.

250. The Court of Session shall, three days at the least before the time fixed for the holding of Sessions, cause as many persons named in the said revised list as seem to the Court to be needed for Jury trials at the said Sessions to be summoned; provided that the Court shall in no case cause a less number than eight persons to be so summoned. The names of the persons to be summoned shall be drawn by lot in open Court, excluding those on the revised list who have served within six months unless when the number cannot be made up without them.

251. Every summons to a Juror shall be in writing and shall require his attendance as a Juror at a time and place to be specified in the notice. The summons or a copy thereof shall be served, through the Court's own Officers or the Officers of the Magistrate of the district in which the Juror resides, on the Juror personally if he can be found at his usual place of abode. If he be absent from his usual place of abode, it may be left for him there with some male member of his family residing with him.

252. The Court of Session may direct Jurors to be summoned at other periods than the period specified in Section 250 where the business of the Court renders the attendance of one set of Jurors for a whole Session too oppressive.

253. The Court of Session may excuse any Juror from attendance for reasonable cause.

254. At each Session the Court shall cause to be made a minute of the names of those who serve as Jurors at such Sessions. The minute shall be kept with the revised list and a reference thereto shall be made in such list in the margin of the entry of those names in the list which are also mentioned in the said minute.

255. Whenever any Jury trial is to be had, the persons (not being less than four in number) who are to constitute the Jury shall be chosen by lot immediately before the commencement of the trial from those Jurors who attend in obedience to the summons.

256. Before the commencement of the trial (the accused person being present) the names of the Jurors shall be called aloud, and upon the appearance of each Juror the accused person shall be asked if he objects to be tried by such

Juror. Any objection made to a Juror shall be decided by the Court. If an objection be allowed, the place

of such Juror shall be supplied by any other Juror in attendance in obedience to his summons or by any person mentioned in the said list of Jurors who may be in attendance, provided no objection to such Juror be made and allowed.

257. Either the Government Pleader (or other person appointed by the Government to conduct trials before the Court of Session), or the accused person, may object to any of the persons chosen to be of the Jury, stating the ground of his objection.

258. The following shall be deemed to be sufficient grounds of objection :—

(1.) Any ground of disqualification within Section 245.

(2.) Relationship to the person alleged to be injured or attempted to be injured by the offence charged, or to the person on whose complaint the prosecution was instituted, or to the defendant.

(3.) Standing in the relation of husband, master or servant, landlord or tenant, being in the employment on wages of one of the parties, or plaintiff or defendant against him in any civil suit, or having complained against him, or being accused by him in any Criminal prosecution.

(4.) If the accused person can prove to the satisfaction of the Court any circumstance that shows either prejudice against him or favour to his accuser, such circumstance shall be a sufficient ground of objection to the Juror.

259. The Jury shall appoint one of their number to be foreman; whose duty it shall be to preside in their debates, to deliver the verdict, or ask any information from the Court that may be required by the Jury. If a majority do not agree in the appointment of a foreman, he shall be named by the Court.

260. The same Jury may, if not objected to, try as many accused persons successively as to the Court shall seem expedient.

261. Whenever in the opinion of the Court it may be deemed proper and convenient that the Jury should have a view of the place in which the offence is said to have been committed or of any other place in which any other transaction material to the enquiry on the trial took place, an order shall be made to that effect, and the Jury shall be conducted in a body under the care of an Officer of the Court to the place which shall be shown to them by a person appointed by the Court, and it shall be the duty of the Officer to suffer no other person to speak to the Jury, and they shall, when the view is finished, be immediately conducted into Court.

262. Whenever any Jury trial is to be had in which the accused person or one of the persons accused is entitled to a Jury constituted under the provisions of Section 239, the Court of Session shall, three days at the least

before the day fixed for holding such trial, cause not less than four of the persons named in the revised list of Jurors of the race or class to which the accused belongs to be summoned; the Court shall also at the same time cause as many other persons named in the revised list as seem to the Court to be needed for such trial to be summoned. The names shall be drawn by lot, excluding those who have served within six months unless when the number cannot be made up without them.

263. Any person summoned to attend as a Juror who shall without lawful excuse fail to attend, shall be liable by order of the Court of Session to a fine not exceeding fifty Rupees, to be levied by attachment and sale of his property.

## CHAPTER XIX.

### TRIALS BEFORE THE COURTS OF SESSION.

264. Except in the cases referred to in Section 114, a Court of Session, as a Court of original Criminal jurisdiction, shall not take cognizance of any offence but upon a charge preferred by a Magistrate or other Officer specially empowered by this Act or any other law to make commitments to such Court.

265. In every trial before a Court of Session the prosecution shall be conducted by the Government Pleader or some other Officer specially empowered in that behalf, and the complainant, if there be a complainant, shall be examined as a witness in the case.

266. A Court of Session may direct the postponement of a trial, when it is satisfied that such postponement is proper and essential to the ends of justice.

267. When the Court is ready to commence the trial, the accused person shall be brought before it, and the charge shall be read and explained to him, and he shall be asked whether he be guilty or not guilty of the offence charged. If the accused plead guilty, the plea shall be recorded and the accused convicted thereon.

268. If the accused person refuse to plead, or plead "not guilty," the Court shall proceed to try the case, taking all the evidence that is forthcoming in due course.

269. The evidence of the witness shall be taken in the manner prescribed in Section 133 for taking of evidence before the Magistrate.

270. If any witness shall refuse to answer such material questions as shall be put to him, without offering any just excuse for such refusal, the Court may commit such witness to custody for such reasonable time as it may deem proper, unless he shall in the meantime consent to be examined and to answer, after which, in the event of his persisting in his refusal, he may be dealt with according to the provisions of Section 108 or Section 114.

271. The examination of the accused person before the Magistrate shall be given in evidence at the trial. The attestation of the Magistrate shall be sufficient proof of such examination, and such attestation shall be admitted without proof of the signature to it unless the Court shall see reason to doubt its genuineness.

272. It shall be in the discretion of the Court, at any stage of a trial, to summon and examine any witnesses whose evidence it may consider essential to the just decision of the case.

273. The Court shall receive in evidence the examination of a Civil Surgeon or other Medical witness taken and duly attested by the Magistrate, provided that nothing in this Section shall prevent the Court from summoning the witness if it shall see sufficient cause for doing so.

274. The examination of a witness taken and attested by the Magistrate shall be admitted in evidence if the witness be dead or the Court be satisfied that for any sufficient cause his attendance cannot be procured.

275. Any document purporting to be a report from the Chemical Examiner to Government upon any matter or thing duly submitted to him for examination or analysis and official report in the course of any Criminal trial or in any preliminary enquiry relating thereto, shall be received in evidence at such trial if it bears the official signature of the said Examiner, and no proof of such signature or that the person signing holds such office shall be requisite unless the Court shall see reason to doubt the genuineness of the document.

276. When the case for the prosecution has been brought to a close, the accused person shall be called upon to enter upon his defence, and to produce his evidence. The Court may put such questions to the accused as it may think proper. But it shall be explained to the accused person that he is at liberty to decline to answer any question so put to him.

277. The accused person shall be allowed to call any witness not previously named by him, but he shall not be entitled to have any other witnesses summoned than those named in the list delivered to the Magistrate or other Officer by whom he was committed or held to bail for trial, except as provided in Section 176.

278. The Court may, in its discretion, adjourn the trial to such future time as may be necessary, and so from time to time.

279. In the event of the adjournment of a trial by Jury, the Jury shall be required to attend at the adjourned sitting, and at every subsequent sitting until the conclusion of the trial, and any Juror who shall without lawful excuse fail so to attend, shall be liable by order of the Court of Session to a fine not exceeding one

hundred Rupees to be levied by attachment and sale of his property.

280. In cases tried by Jury, the Judge shall sum up the evidence on both sides, and the Jury shall then deliver their finding upon the charge.

281. If the defendant is convicted, and the case is one which the Court of Session is competent to dispose of finally, it shall proceed to pass sentence upon the defendant according to law.

282. If the case is one in which, if the defendant be convicted, he is liable to sentence of death, the Court of Session shall pass sentence; and if sentence of death be passed, it shall not be executed without the confirmation of the Sudder Court. In any case submitted to the Sudder Court for confirmation of the sentence, the Court may either confirm the sentence or pass any other sentence warranted by law, or may reverse the conviction and order a new trial.

283. The Courts of Session shall transmit to the Sudder Court such periodical statements or calendars of all trials held by them as the Sudder Court shall prescribe, exhibiting the offence charged, the offence of which the accused is convicted, and the sentence passed upon him.

## CHAPTER XX.

### SUDDER COURT,

#### *As a Court of Reference.*

284. A case referred by a Court of Session for confirmation of a sentence of the Court of Session shall be heard by a Court constituted by two or more Judges of the said Sudder Court. The confirmation of the sentence or any new sentence or order passed shall be signed by not less than two of such Judges.

285. Provided that, if the Sudder Court is of opinion that the facts charged or those of which the accused is found guilty against an accused person do not answer to the legal definition of an offence, it shall annul the conviction and may order a new trial upon an amended charge.

286. In any case referred to the Sudder Court, it shall be competent to the Court, if it think further enquiry or additional evidence upon any point bearing upon the guilt or innocence of the accused to be necessary, to direct such enquiry to be made, or such additional evidence to be taken.

## CHAPTER XXI.

### FINDING, JUDGMENT, AND SENTENCE.

287. In any trial by Jury, when the Jury are unanimous in thinking the accused guilty of the offence specified in the charge, or of the offence specified in any head of the charge when there are more heads than one, the verdict shall be that the accused is guilty of such offence. When the Jury are not unanimous, but a majority concur in thinking the accused guilty, the verdict

shall be that the accused is found guilty of the offence specified in the charge, or in a such a head of the charge as above provided, by a majority of the jurors (stating the number.) When a majority of the Jurors do not concur in thinking the accused guilty, the verdict shall be that the accused is not guilty. When the Jury, or a majority of the Jurors, concur in thinking the accused guilty of an offence, but are doubtful under which of two heads of the charge the offence falls, the verdict shall be that the accused is guilty either of the offence charged in such a head, or of the offence charged in such another head of the charge. When the Jury are equally divided in opinion the verdict shall state specially the division of opinion.

288. When the trial in any Criminal Court is concluded, the Court, in passing judgment, if the accused be convicted, shall distinctly specify the offence of which, and the Section and Chapter of the Penal Code under which he is convicted, or if it be doubtful under which of two Sections the offence falls, shall distinctly express the same, and pass judgment in the alternative, according to Section 18 of Chapter III.

289. The finding and sentence shall be recorded in the following form, or to the same effect:—

In trials by Jury:—

When the Jury are unanimous:

The Jury find that Z is guilty of the offence specified in the charge, namely that Z has waged war against the Government, and has thereby committed an offence punishable under Section 1 Chapter VI of the Penal Code; and the Court directs that the said Z [sentence]

2nd. The Jury find that Z is not guilty of the offence specified in the charge, namely that Z has waged war against the Government, and has thereby committed an offence punishable under Section 1 Chapter VI of the Penal Code; and the Court directs that the said Z be discharged.

When the Jury are not unanimous, but a majority of the Jurors concur in thinking the defendant guilty:—

3rd. A majority of the Jurors (stating the number) find that Z is guilty of the offence specified in the charge, namely that Z has, with the intention of inducing the Honorable A. B., a Member of the Council of the Governor General of India, to refrain from exercising a lawful power as such Member, assaulted such Member, and that he has thereby committed an offence punishable under Section 3 Chapter VI of the Penal Code. The Court concurs in such finding, and directs that the said Z be [sentence]

4th. A majority of the Jurors (stating the number) find that Z is guilty of the offence specified in the charge, namely that Z has, with the intention of inducing the Honorable A. B., a Member of the Council of the Governor General of India, to refrain from exercising a lawful power as such Member, assaulted such Member, and that he has thereby committed an offence punishable under Section 3 Chapter VI of the Penal Code. The Court does not concur in such finding, and directs that the said Z be discharged.



5th. When the Jury are not unanimous, but a majority of the Jurors concur in thinking the defendant not guilty, the form No. 2 shall be followed.

When the Jury or a majority of the Jurors concur in thinking the defendant guilty of an offence, but are doubtful under which of two heads of a charge the offence falls :—

6th. The Jury or the majority of the Jurors (stating the number) as the case may be, find that Z is guilty either of the offence specified in the first head of the charge, or of the offence specified in the second head of the charge; namely that Z has either committed theft, and has thereby committed an offence punishable under Section 2 Chapter XVII of the Penal Code or that he has committed Criminal breach of trust, and has thereby committed an offence punishable under Section 28 of the same Chapter of the Penal Code. The Court directs [or, the Court concurs in such finding, and directs] that under the provisions of the above-mentioned Sections, and the provisions of Section 18 Chapter III of the Penal Code, the said Z be [sentence]

When the Jury are equally divided in opinion the finding of the Jury shall state specially the division of opinion and the finding and sentence of the Court shall then be recorded in the following form or to the same effect:

The Court concurs with the Jurors who have found that Z is guilty of the offence specified in the charge, namely that he has committed &c. &c. and the Court directs that the said Z be [sentence]; or (as the case may be) —

The Court concurs with the Jurors who have found that Z is not guilty of the offence specified in the charge, namely that Z has committed &c. &c.; and the Court directs that the said Z be discharged.

In trials upon a formal charge, without Jury :—

7th. The Court finds that Z is guilty of the offence specified in the charge, namely that Z has committed theft, and has thereby committed an offence punishable under Section 2 Chapter XVII of the Penal Code; and the Court directs that the said Z be [sentence]

8th. The Court finds that Z is not guilty of the offence specified in the charge, namely that Z has committed theft, and has thereby committed an offence punishable under Section 2 Chapter XVII of the Penal Code; and the Court directs that the said Z be discharged.

In trials in which no formal charge has been prepared :—

9th. The Court finds that Z has used Criminal force, and has thereby committed an offence punishable under Section 56 Chapter XVI of the Penal Code, and directs that the said Z be [sentence]

10th. The Court finds that the complaint of assault is not proved, acquits Z, and directs that he be discharged.

290. When a person shall be convicted of several offences at the same time, punishable under the same or different Sections of the Penal Code, it shall be lawful for the Court to sentence him to the several penalties prescribed by the Code in respect of the several offences of which he shall have been so convicted, provided that the punishment to which such person is sentenced for each offence is within the ordinary penal jurisdiction of the Court, such penalties, when consisting of imprisonment, to commence the one after the expiration of the other; and it shall not be necessary for the Court, only by reason of the aggregate punishment for the several offences being in excess of the punishment which the Court is competent to inflict on conviction of a single offence, to send the offender for trial before a higher Court.

291. When sentence shall be passed on a person already under sentence of imprisonment for another offence, it shall be lawful for the Court to award imprisonment on the subsequent conviction, to commence at the expiration of the imprisonment to which such offender shall have been previously sentenced; and if empowered to pass sentence of transportation or banishment, the Court may award such sentence on the subsequent conviction to commence immediately, or at the expiration of the imprisonment to which such person shall have been previously sentenced.

292. A party who has once been tried upon a formal charge, shall not be liable to be tried again for the same offence. Provided that any person may be tried for the offence of culpable homicide and punished for that offence notwithstanding he may have been tried and punished for the act which caused the death, if at the time of his conviction for the act death shall not have resulted or shall not have been known by the Court to have resulted.

293. In cases referred by the Court of Session for the confirmation of a sentence by the Sudder Court, the proper Officer of the Court shall, within three days after the order of confirmation or other order of the Sudder Court or sooner if practicable, transmit a copy of the order under the seal of the Sudder Court, and attested with his official signature, to the Court of Session, which, if the sentence be confirmed, shall immediately issue a warrant to the Magistrate or other Officer in charge of the jail in which the prisoner is confined, to cause the sentence or order to be carried into execution; or in the case of any other order, shall cause such order to be carried into effect.

294. In cases tried by the Court of Session the Court shall forward a copy of its sentence, together with a warrant for the execution of the same, directed to the Magistrate of the district in which the trial was held or other Officer as aforesaid.



295. Upon the receipt of a warrant under either of the the two last preceding Sections, the Magistrate or other Officer as aforesaid shall cause the sentence to be executed, and shall return the warrant, when the sentence has been fully executed, to the Court from whence it issued, with an endorsement under his official seal and signature, certifying the manner in which the sentence has been executed.

296. In every case of imprisonment under the sentence of any Court other than a Subordinate Criminal Court, the Magistrate or other Officer as aforesaid shall issue his warrant to the jailor, stating the offence of which the defendant has been convicted, and the period during which he is to be imprisoned and the nature of the imprisonment. In every case of imprisonment under the sentence of a Subordinate Criminal Court, the Court passing the sentence shall issue its warrant to the same effect.

## CHAPTER XXII.

### SUDDER COURT AS A COURT OF REVISION.

297. It shall be lawful for the Sudder Court to call for and examine the records of any Court of Session for the purpose of satisfying itself as to the legality or propriety of any sentence or order passed, and as to the regularity or propriety of the proceedings of such Court. If the Sudder Court shall be of opinion that the sentence or order is contrary to law, the Court shall reverse the same and pass such judgment and sentence as to the Court shall seem right, or, if it deem necessary, may order a new trial. If it appear to the Sudder Court that the sentence passed is too severe, the Sudder Court may pass any mitigated sentence warranted by law.

298. The Sudder Court, in any case tried by Revision in the Court of Session, in which, cases of illegal upon a review of the abstract sentence. statements or calendars of prisoners punished without reference, it shall appear to it that the sentence passed is one which cannot lawfully be passed on a person convicted of the offence as stated in the abstract statement or calendar, shall annul the sentence, and shall certify to the Court of Session the sentence which may lawfully be passed for such offence; and thereupon the Court of Session shall pass a new sentence according to law, and shall amend the record in accordance therewith.

299. The Sudder Court, in any case tried before a Court of Session in which, Revision of trials. upon a review of the abstract statements or calendars of prisoners punished without reference, it shall appear to it that there has been error in the decision of the Court of Session on a point of law, or that a point of law should be considered by the Sudder Court, may call for the record, together with a report of the Judge's direction to the Jury, if the case have been tried by a Jury, and upon reviewing the depositions of the witnesses, the direction of the Judge, and the conviction, may determine any point of law arising out of the case, and thereupon pass such judgment and sentence as to the Sudder Court shall seem right.

300. The Sudder Court may, on the report of a Court of Session or of a Magistrate or whenever it thinks fit, call for the record of any Criminal trial in any Criminal Court within its jurisdiction, in which it shall appear to it that there has been error in the decision on a point of law, or that a point of law should be considered by the Sudder Court, and determine any point of law arising out of the case, and thereupon pass such judgment and sentence as to the Sudder Court shall seem right.

301. In all cases in which a case shall be revised by the Sudder Court under the last two preceding Sections, the Sudder Court shall certify its proceedings to the Court in which the conviction was had, and such Court shall thereupon make such orders as are conformable to the decision of the Sudder Court, and if necessary amend the record in accordance therewith. Provided that in any such case tried before a Court of Session, it shall not be competent to the Sudder Court except as hereinbefore provided, to reverse the judgment of the Court, or the verdict of the Jury on the facts of the case.

## CHATER XXIII.

### APPEALS.

302. There shall be no appeal from a judgment of acquittal passed by any Criminal Court.

303. Any person convicted by a judgment of any Criminal Court subordinate to a Court of Session, from which an appeal lies to a higher Court under any law for the time being in force, may present a petition of appeal to the Court of Appellate Jurisdiction, which may call for the proceedings of the lower Court, and confirm or alter or reverse the finding and sentence of such Court, but not so as to enhance the punishment awarded. Proceedings of Court of Session. from a judgment of the Court of Session to the Sudder Court upon any point of law that may arise upon that judgment.

304. If the party appealing be in jail, he shall be at liberty to present his petition of appeal to the Magistrate or other Officer in charge of the jail, who shall thereupon forward the petition to the proper appellate authority.

305. In any case in which an appeal is allowed, it shall be competent to the Court of Appeal or Appellate Court, if it think further enquiry or additional evidence upon any point bearing upon the guilt or innocence of the accused to be necessary, to direct such enquiry to be made, and additional evidence to be taken. The result of the further enquiry and the additional evidence shall be certified to the Appellate Court, and the Appellate Court shall thereupon proceed to pass such judgment and sentence as to such Court shall seem right.

306. When a Magistrate or a Subordinate Criminal Court shall have convicted a person of an offence not triable by such Magistrate or Court, it shall be competent to the Court of Appeal how to proceed in case of conviction by a Court not having jurisdiction.

Jurisdiction to annul the conviction and sentence of the lower Court, and to direct the trial of the case by a Court of competent jurisdiction.

307. Unless otherwise provided by any law for the time being in force, an appeal shall lie to the Magistrate from all orders in judicial proceedings other than Criminal trials, passed by a Deputy Magistrate (other than a Deputy Magistrate vested under Section with the full powers of a Magistrate). An appeal shall lie to the Court of Session from all such orders passed by a Magistrate or a Deputy Magistrate vested with such powers. It shall be competent to the Courts of Appellate Jurisdiction to pass upon such appeals such orders as they shall deem just and proper. An appeal shall also lie to the Sudder Court upon any point of law that may arise from any order made by the Court of Session in such proceedings.

308. Petitions of appeal must be presented within thirty days immediately following and exclusive of the day on which sentence was passed. Every petition of appeal shall be accompanied by a copy of the judgment or order appealed against, and it shall be competent to the Appellate Court to reject the appeal if on perusal of the petition and the judgment or order there appears to be no sufficient ground for questioning the correctness of the decision.

309. Except as provided in Section 301 sentences and orders passed by the Appellate Court upon appeals preferred to such Court shall be final.

310. Every sentence or final order of a Court or Magistrate, together with the reasons for making or passing the same, shall be written in the Vernacular language of the presiding Officer, and shall be dated and signed by such Officer at the time of his making or passing the same, and the original shall be filed with the record or proceedings and a translation thereof where the original is recorded in a different language to that in ordinary use in proceedings before such Officer, shall be incorporated in the record of the sentence or order.

311. If the Vernacular language of the presiding Officer be not English, and the Officer be sufficiently conversant with the English language to be able to write the sentence or final order in a clear and intelligible manner in that language, and prefer to write the same in that language, the sentence or final order may be written in English.

312. It shall be at all times lawful for a Court of Session and for a Magistrate or other Officer exercising the powers of a Magistrate, to call for and examine the records of any Court immediately subordinate to their respective Courts, for the purpose of satisfying themselves as to the legality of any sentence or order passed, and as to the regularity of the proceedings of such Subordinate Courts. If the Court of Session shall be of opinion that the sentence or order is contrary to law, the Court or Ma-

gistrate shall refer the proceedings for the orders of the Sudder Court. It shall not be lawful for any other Court than the Sudder Court to alter any sentence or order of any Subordinate Court except upon appeal by parties concerned duly made according to the foregoing provisions.

313. In the case of offences not triable by the Magistrate, the Court of Session may order the commitment to the Court of Session of any accused person who may have been discharged by the Magistrate. In the case of such offences the Court of Session may order an enquiry into any complaint which the Magistrate may have dismissed without enquiry.

314. The Court of Session may direct that any defendant shall be admitted to bail before a Magistrate or Subordinate Criminal Court, or that the bail required by a Magistrate or Subordinate Criminal Court be reduced; and may also direct that a party not in custody be admitted to bail on his surrendering to a warrant.

315. No trial held in any Criminal Court shall be set aside, and no judgment passed by any Criminal Court shall be reversed by a Court of Appeal or a Court of revision for any irregularity in the proceedings of the trial, unless such irregularity have occasioned a failure of justice.

316. Nothing in this Act shall be held to alter or affect the jurisdiction or procedure of the Heads of Villages or of the District or Village Police Officers in the Presidency of Madras; or the jurisdiction of District or Village Police Officers in Criminal cases which they have power to try under the provisions of the Bombay Code, or their procedure in such cases; or the jurisdiction or procedure of a single Officer duly authorized and appointed under the Laws in force in the Presidencies of Fort St. George and Bombay respectively, for the trial of petty offences in Military Bazaars at Cantonments and Stations occupied by the Troops of those Presidencies respectively.

317. This Act shall not take effect in any part of the Territories not subject to the general Regulations of Bengal, Madras, and Bombay until the same shall be extended thereto by the Governor General of India in Council or by the local Government to which such territory is subordinate and notified in the Gazette.

318. The following words and expressions in this Act shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction (that is to say,)

Words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number.  
Words importing the masculine gender shall include females.

In any part of the British territories in India "Sudder Court." to which this Act may be extended under the provisions of Section 317, the expression "Sudder Court" shall be deemed to include the highest Criminal Court of Appeal or revision in such part of the said territories.

# APPENDIX OF FORMS.

## A.

### FORM OF SUMMONS (Section 29.)

To A. B. of  
Whereas your attendance is necessary to answer to a charge of (*state shortly the offence charged*): You are hereby required to appear in person before the [*Magistrate*] of on the day of Herein fail not.  
(*Signature and Seal.*)

Dated the day of

## B.

### FORM OF WARRANT (Section 35.)

To (*name and designation of the person or persons who are to execute the warrant.*)  
Whereas of stands charged with the offence of (*state the offence*): You are hereby directed to apprehend the said and to produce him before me. Herein fail not.  
(*Signature and Seal.*)

## C.

### FORM OF WARRANT OF COMMITMENT (Section 154.)

To Jailer of  
Whereas of is charged with (*state the offence in respect of which the prisoner is charged; and the authority of the Committing Officer*): You are hereby required to receive the said into your custody in the said jail of and him there safely to keep until he shall be thence delivered by due course of law.

Dated the day of

## D.

### FORM OF BOND TO KEEP THE PEACE (Section 215.)

Whereas I inhabitant of have been called upon to enter into a bond to keep the peace for the term of , I hereby bind myself not to commit a breach of the peace or do any act that may probably occasion a breach of the peace during the said term; and in case of my making default therein, I bind myself to forfeit to Government the sum of Rupees .

Dated

### FORM OF SECURITY TO BE SUBJOINED TO THE BOND OF THE PRINCIPAL.

I hereby declare myself surety for the above said that he shall not commit a breach of the peace or do any act that may probably occasion a breach of the peace during the said term; and in case of his making default therein, I hereby bind myself to forfeit to Government the sum of Rupees

Dated

## E.

### FORM OF RECOGNIZANCE TO PROSECUTE OR GIVE EVIDENCE (Sections 102 and 102.)

I of do hereby bind myself to appear at in the Court of at o'clock on the day of next, and then and there to prosecute, (*or, as the case may be, "to prosecute and give evidence" or "to give evidence"*) in the matter of a charge of against one A. B.; and in case of my making default herein, I bind myself to forfeit to Government the sum of Rupees.  
Dated

W. MORGAN,  
Clerk of the Council.

## Home Department.

No. 1816.

Fort William, the 14th September 1859.

*Notifications.*—Mr. Robert Simson, of the Civil Service, is permitted to proceed to Europe on Furlough, for a period of three years, from the date of embarkation.

No. 1821.

Mr. Thomas Hill to be First Assistant to the Master Attendant at Calcutta.

No. 1823.

The Governor General in Council is pleased to attach Mr. W. Kaye, of the Civil Service, reported qualified for the Public Service to the North-Western Provinces, the Punjab and Oude.

No. 1836.

With reference to the Notification of this Department No. 1467, dated the 18th July last, His Excellency the Governor General in Council is pleased to grant to the Hon'ble E. A. Blundell, Governor of the Straits Settlements, extension of leave for the period of fifteen days.

No. 1837.

The 16th September 1859.

The Governor General in Council is pleased to grant to Mr. C. J. Powlett, an Unpassed Civil Servant, leave of absence for fifteen days, from the 13th instant, on Medical Certificate.

No. 1838.

The Governor General in Council is pleased to re-attach Mr. S. Lushington, of the Civil Service, to the Bengal Division of the Presidency

W. GRAY,  
Secy. to the Govt. of India.

**Foreign Department.**

No. 5653.

*Fort William, the 14th September 1859.*

His Excellency the Governor General in Council is pleased to recognize the appointment of Mr. Johann Philipp Schneider, as Consul for Ham-  
burgh at Calcutta.

No. 5654.

Captain B. Ford, appointed in General Order dated 13th May last, No. 2667, to officiate as Cantonment Joint Magistrate of Rangoon, is confirmed in that appointment, from the 2nd May 1859.

No. 5655.

Captain J. B. Hearsey, District Commandant, Oudh Military Police, reported his return from England from sick leave, by the Steam-ship *Nubia*, on the 8th instant.

No. 5656.

*The 16th September 1859.*

His Excellency the Viceroy and Governor General in Council has been pleased to confer on Mohomud Ali Khan, of Chitari, and Fyz Ali Khan, of Boolundshuhur in the North-Western Provinces of the Bengal Presidency, the title of "Khan Bahadoor," for loyalty and good services during the rebellion.

That portion of the General Order dated 26th ultimo, No. 5250, which confers the title of "Nawab Bahadoor" on the above named persons, is hereby cancelled.

No. 5657.

His Excellency the Governor General in Council is pleased to replace the services of Mr. A. P. Howell, Assistant Commissioner in Oudh, at the disposal of the Government of the North-Western Provinces.

No. 5658.

Major S. C. Macpherson, Political Agent, Gwalior, made over charge of the Gwalior Political Agency Office to Major R. J. Meade, on the 1st instant.

No. 5659.

Lieutenant H. Hawkins, Adjutant of Mayne's Horse, is permitted to resign his appointment at his own request, and his services are placed at the disposal of the Military Department.

No. 5660.

Mr. H. P. Kirke, of the Nagode Division Police, has obtained leave of absence, on private affairs, till the 15th October next, in extension of the leave granted to him in General Order, dated 17th June last, No. 3667.

No. 5661.

Captain A. R. Thornhill, 1st Assistant to the Resident at Hyderabad, has obtained one month's privilege leave to proceed to Bombay, from the 23rd ultimo.

No. 5662.

Major P. A. P. Bouverie, Political Agent at Bhurtpore, availed himself, on the 27th ultimo, of the leave for two months' granted to him in General Order of the 26th idem, No. 5249, and made over charge of the Agency to Lieutenant C. K. M. Walter, Assistant to the Agent in Rajpootana.

CECIL BEADON,  
*Secy. to the Govt. of India.*

**Financial Department.**

No. 79.

*Fort William, the 15th September 1859.*

*Notifications.*—His Excellency the Governor General in Council is pleased to cancel Rule 3 of the Rules published in the Government Notification, No. 61, dated the 12th November 1858, and to direct the substitution of the following Rule, as Rule 3 of the above-mentioned Rules :—

**RULE 3.**—Notes presented for enfacement at Bombay and Madras will be forwarded to the Accountant-General to the Government of India at this Presidency, by whom the Notes, after enfacement and registry, will be returned to the Presidency whence they were sent, for delivery to the Holders: provided however that, in cases in which the Notes shall previously have been transferred for the payment of Interest to Bombay (or Madras, as the case may be), it will be at the option of the Holders to have such Notes enfaced and registered by the Accountant-General at Bombay (or Madras, as the case may be), on the condition that a Certificate be affixed on the back of such Notes by the Accountant-General of the Presidency concerned, that all existing endorsements have been examined by him and are valid and correct, and that the Note itself is genuine and outstanding; and on the understanding that no endorsements made subsequently to the date of the Accountant-General's Certificate will be recognized in England.

By Order of His Excellency the Governor-General in Council.

No. 80.

Notice is hereby given, that the Salaries, Pay, Batta and Allowances of the Civil, Military and Marine Departments, for the month of September 1859, will be payable as under :—

Military and Marine Departments, on Thursday, the 13th proximo.

Civil Department, on Saturday, the 15th proximo.

By Order of the Right Hon'ble the Governor-General of India in Council.

C. HUGH LUSHINGTON,  
*Secretary to the Govt. of India.*

**Military Department.**

*Fort William, the 14th September 1859.*

No. 1289 of 1859.—The following Notifications, issued by the Hon'ble the Lieutenant-Governor, North-Western Provinces, are published in General Orders :—

No. 3715, dated 2nd September 1859.—Assistant Surgeon G. B. Hadow, 2nd Gwalior Infantry, to be Civil Assistant Surgeon of Moradabad, *vice* Assistant Surgeon Cockburn, whose services have been placed at the disposal of His Excellency the Commander-in-Chief.

No. 597, dated 6th September 1859.—The Honorable the Lieutenant-Governor of the North-Western Provinces has been pleased to sanction the following exchange of appointments :—

Lieutenant R. B. Graham, Adjutant of the Muttra District Police Battalion, to the Moozuffernuggur District Police.

No. 1290 of 1859.—The following Notifications, from the Public Works Department, are published in General Orders :—

No. 274, dated 9th September 1859.—Captain H. Hyde, First Class Executive Engineer, Lahore Division, is appointed a Deputy Consulting Engineer in the Railway Department, North-Western Provinces.

No. 275.—Notification.—Captain W. E. Marshall, Executive Engineer, Lower Assam Division, is reduced from the grade of Executive Engineer Fourth Class, to that of Assistant Engineer First Class, and posted to the Garrison of Fort William.

No. 1291 of 1859.—The following Order, issued by the Hon'ble the Lieutenant-Governor of Bengal, is published in General Orders :—

No. 5488, dated 13th September 1859.—Appointment.—Captain E. P. Lloyd to officiate as 2nd Class Principal Assistant to the Commissioner of Assam, from the date of promotion of Captain Comber and Lieutenant Seonce to the date of Lieutenant B. W. D. Morton's return to his duties.

No. 1292 of 1859.—The under-mentioned Officer is permitted to proceed to Europe, on leave of absence, on Sick Certificate :—

Veterinary Surgeon John Siddall, attached to the Central Stud	{	For twelve months, under the new Regulations.
...		

*Fort William, the 16th September 1859.*

No. 1293 of 1859.—The following paragraph of a Military letter from the Right Hon'ble the Secretary of State for India, No. 251, of the 4th August 1859, is published in General Orders :—

On your recommendation in favor of Lieutenant Williams, and in consideration of his wound, and of the gallantry displayed by him on the occasion on which he received it, the privilege of retaining his appointment during three months' extension of leave (*viz.* for a total period of eighteen months,) will be accorded to him.

*Letter dated 17th May 1859, No. 67. 25-6. Application from Lieutenant G. A. Williams, 20th Native Infantry, for an extension of three months' leave, without forfeiture of his appointment as 2nd in Command of 4th Sikh Infantry.*

No. 1294 of 1859.—The services of the under-mentioned Medical Officers are placed at the disposal of the Hon'ble the Lieutenant-Governor of North-Western Provinces :—

Assistant Surgeon A. Garden, M. D.

Assistant Surgeon C. Kilkelly, M. B.

No. 1295 of 1859.—Captain W. C. Russell, Commissary of Ordnance, in charge of the Arsenal at Fort William, is allowed leave of absence from the 1st November to the date of departure of the 1st Overland Steamer in that month, preparatory to applying for Furlough to Europe, under the new Regulations.

No. 1296 of 1859.—The following Order, issued by the Resident at Hyderabad, is confirmed :—

No. 157, dated 4th August 1859.—Granting Lieutenant R. K. Macquoid, 2nd in Command, 5th Infantry Hyderabad Contingent, two months' leave of absence from the date of quitting Ellichpore to proceed to Bombay, preparatory to applying for Furlough to Europe, for two years, under the new Regulations.

No. 1297 of 1859.—The leave of absence to proceed to Europe, on Sick Certificate, under the new Regulations, granted to Captain J. Eliot, of Artillery, Executive Engineer, Barrackpore Division, in Government General Order No. 550, of the 7th April 1858, is extended to the 15th July 1859, the date on which that Officer returned to Bengal.



No. 1298 of 1859.—In conformity with Government General Order, No. 144 of 1852, the following Statement of Deposits made in the General Treasury, during the month of August 1859, on account of the Estates of deceased European Commissioned, and Warrant Officers and Soldiers of the Indian Military Forces of Her Majesty is published for general information; and it is hereby notified, that claims to the Estates in question which shall not be preferred to the Sub-Treasurer by Executors and Administrators before the conclusion of twelve months after the date of decease, cannot be attended to in this Country, as the money, after that period, will be remitted to, and made payable by the Secretary of State for India:—

*Statement of Deposits made at the General Treasury of Fort William, on account of Estates of deceased European Commissioned, Non-Commissioned, and Warrant Officers and Soldiers of the Indian Military Forces of Her Majesty in August 1859.*

Date of Deposit.	On whose Account.	Rank.	Corps.	General Number.	Date of Decease.	Testate or Intestate.	Amount of monies accruing from the adjustment of Estates.	Amount due to Estates.	Total unclaimed Amount deposited.	How Disposed of.				REMARKS.
										Amount paid in India.	Amount retained in India.	In Co's. Rs.	Equivalent in Sterling.	
COMMISSIONED AND WARRANT OFFICERS.														
6th	Leon Martin	Cornet	Bengal Yeomanry Cavalry.	...	22nd March 1858,	Intestate	0 4 9	...	0 4 9	...	...	...	...	Kin, Madame Veuve Martin, Batignolles rue de St. Eglise, No. 25, Lautilien de Paris, (France.)
8th	John Bruce Hay	Ensign	59th N. I., attached to the 9th Punjab Infy. ...	...	6th April 1859,	—	203 8 0	...	203 8 0	...	...	...	...	
9th	Charles Henderson	Veterinary Surgeon	8th Punjab Infy. ...	...	5th December 1858,	—	1217 4 5	...	1217 4 5	...	...	...	...	
10th	John Carry	Assistant Surgeon	Medical Department	...	12th October 1858,	Intestate	686 3 10	...	686 3 10	...	...	...	...	
12th	R. N. Settle	Offg. Sub Conductor	Deli Magazine	...	11th May 1857,	Ditto	127 15 8	...	127 15 8	...	...	...	...	
"	James William Cummins	Hospital Apprentice	2nd Bde. Horse Artillery	...	1st June 1858,	—	51 6 3	...	51 6 3	...	...	...	...	
"	William Cant	Ditto	Ditto	...	14th Ditto	—	34 10 9	...	34 10 9	...	...	...	...	
15th	Edwin Courtney Jackson	Ditto,	Sub-Medical Department, attached to H. M.'s 10th Foot	...	4th June 1857,	—	3 11 8	...	3 11 8	...	...	...	...	Kin Father, Henry Jackson, Sergeant, Commissariat Department, Dacca.
17th	Duncan Charles Home	Lieutenant	Bengal Engineers	...	23th September 1857,	Intestate	0 2 0	...	0 2 0	...	...	...	...	
18th	Francis Latter Tauly	Ditto	Engineers	...	14th Ditto	Intestate	5 14 5	...	5 14 5	...	...	...	...	
19th	John Bruce Hay	Ensign	59th N. I., attached to the 9th Punjab Infantry	...	6th April 1859,	—	128 7 7	...	128 7 7	...	...	...	...	
"	Kennett Dixon	Lieutenant	4th European Light Cavalry, 2nd in Command Moolbance Regiment of Cavalry	...	31st January 1850,	Intestate	1189 0 0	...	1189 0 0	...	...	...	...	Mother, Mrs. Low, 48, Upper Berkeley Street, Postman Square, London.
"	Thomas Frankland	Ditto	48th Madras N. I., 2nd in Command of the 2nd Regiment Punjab Infantry	...	Not known	Testate	1313 3 10	...	1313 3 10	...	...	...	...	Mother, address not known.
"	Forbes Augustus Hely	Veterinary Surgeon	7th Light Cavalry	...	2nd August 1857,	—	375 8 6	...	375 8 6	...	...	...	...	
"	Norman Alexander Martin	Lieutenant	Ditto	...	10th June 1857,	—	11 2 6	...	11 2 6	...	...	...	...	
"	Leon Martin	Cornet	Bengal Yeomanry Cavalry	...	22nd March 1858,	Intestate	60 0 0	...	60 0 0	...	...	...	...	Kin, Madame Veuve Martin, Batignolles rue de St. Eglise, No. 25, Bantienne de Paris, (France.)

Date of Deposit.	On whose Account.	Rank.	Corps.	General Number.	Date of Decase.	Testate or Intestate.	Amount of monies accruing from the adjustment of Estates.	Amount of Donation due to Estates.	Total unclaimed Amount deposited.	How Disposed of.			REMARKS.
										Amount paid in India.	Amount retained in India.	Amount retained for payment in England.	
COMMISSIONED AND WARRANT OFFICERS.—(Continued.)													
19th	Roger Adolphus Hamilton	Lieutenant	10th Light Cavalry	...	15th April 1858,	Intestate	99 0 0	...	99 0 0	...	...	...	Kin Father, Hamilton, Dublin.
24th	John Dawson	Captain	1st Bt. N. I., attached to 3rd Regiment Oude Military Police	...	...	...	...	...	...	...	...	...	
"	Alexander John Anderson	Lieut	38th Light Infantry	...	2nd November 1858,	Ditto	193 7 9	...	193 7 9	...	...	...	Stated to be amount of deceased's pay for May 1857, a second time remitted by Committee of Adjustment.
25th	John Graydon	Lieutenant	4th N. I.	...	11th March 1858,	Will	0 0 6	...	0 0 6	...	...	...	
26th	Augustus Joseph Boulton	Ditto	7th Light Cavalry	...	28th October 1857,	Intestate	841 8 0	...	841 8 0	...	...	...	
"					27th June 1857,	Intestate	365 4 0	...	365 4 0	...	...	...	
"	Wm. Archibald Garrington	Extra Asst. Apothecary	Sub-Medical Department	...	5th July 1859,	Ditto	79 1 3	...	79 1 3	...	...	...	Kin supposed to be M. H. Garrington, (Father) Surgeon, 48, Hanover Street, Portsea, Hampshire.
"	William Hyde	Apothecary	Attached to the 5th Co. 13th Bn. Royal Artillery	...	...	...	...	...	...	...	...	...	
31st	Duncan Charles Home	Lieutenant	Bengal Engineers	...	22nd April 1859,	Intestate	492 8 8	...	492 8 8	...	...	...	Kin Father, William Grierson, Annan Dumfries, Scotland. Brother, Invalided to Europe from H. M.'s 15th Light Infantry. Next of kin not known. Left a Widow and Son. Next of kin not known. Mother in Bristol.
"	Francis Latter Tandy	Ditto	Ditto	...	20th September 1857,	Intestate	46 0 0	...	46 0 0	...	...	...	
"	Robert Henry Bartruff	Assistant Surgeon	1st Co. 5th Bn. Artillery	...	14th Ditto	Ditto	53 0 0	...	53 0 0	...	...	...	
"	John Dawson	Captain	1st Bt. N. I., attached to the 3rd Regiment Oude Military Police	...	26th Ditto	Ditto	169 14 5	...	169 14 5	...	...	...	
"	Edward John White	Ditto	2nd Euro. Bt. Fusiliers	...	22nd November 1858,	Ditto	5903 7 3	...	5903 7 3	...	...	...	Kin Father, William Grierson, Annan Dumfries, Scotland. Brother, Invalided to Europe from H. M.'s 15th Light Infantry. Next of kin not known. Left a Widow and Son. Next of kin not known. Mother in Bristol.
"	Samuel Maltby	Assistant Surgeon	Civil Surgeon	...	21st April 1858,	Intestate	1083 15 0	...	1083 15 0	...	...	...	
"	John Weston Delamain	Captain	56th N. I.	...	11th July 1857,	Intestate	689 10 9	...	689 10 9	...	...	...	
"					8th June 1857,	Intestate	15 7 0	...	15 7 0	...	...	...	
NON-COMMISSIONED OFFICERS AND SOLDIERS.													
12th	Silas Prator	Private	3rd Euro. Lt. Cavalry	189	12th August 1858,	Intestate	0 5 0	...	0 5 0	...	...	...	Kin Father, William Grierson, Annan Dumfries, Scotland. Brother, Invalided to Europe from H. M.'s 15th Light Infantry. Next of kin not known. Left a Widow and Son. Next of kin not known. Mother in Bristol.
"	Roderick Grierson	Ditto	2nd Euro. Bt. Fusiliers	2133	5th June 1859,	Intestate	33 4 9	...	33 4 9	...	...	...	
"	Patrick Dooley	Corporal	Ditto	1631	2nd August 1859,	Ditto	37 1 10	...	37 1 10	...	...	...	
"	James Curtis	Private	3th Euro. Light Cavalry	2135	13th May 1859,	Ditto	58 2 7	...	58 2 7	...	...	...	
"	Eugene Daly	Surgeon	Madras Artillery	...	18th October 1859,	Ditto	20 0 0	...	20 0 0	...	...	...	Kin Father, William Grierson, Annan Dumfries, Scotland. Brother, Invalided to Europe from H. M.'s 15th Light Infantry. Next of kin not known. Left a Widow and Son. Next of kin not known. Mother in Bristol.
"	Edward Lynnam	Corporal	Euro. Invalid Battalion	6163	10th July 1859,	Ditto	9 11 0	...	9 11 0	...	...	...	
15th	Thomas Williams	Provost Sergeant	2nd Euro. Lt. Cavalry	134	24th November 1858,	Intestate	120 0 0	...	120 0 0	...	...	...	
"	John Cox	Private	4th Co. 6th Euro. Regt.	195	26th June 1859,	Intestate	10 6 8	...	10 6 8	...	...	...	
"	James McKusker	Gunner	2nd Tp. 2d Bde. H. Art.	8483	Not communicated.	Intestate	62 15 8	...	62 15 8	...	...	...	

\* Also two Government Promissory Notes, viz. { 1-4 Pr. Cent. No. 18639, of 1842-43, Co.'s Rupees 500 } Company's Edpees, 5,500.  
 { 1-5 " " 4165, " 1854-55, P. W. Loan " 5,000 }

7th	William Darrant Andrew Bray	Ditto Private	1st Tp. 1st Bde. H. Arty. 6th European Regiment	8770 54	9th November 1858, 4th June 1857.	Intestate Ditto	168 13 11 12 4 0	168 13 11 12 4 0	Next of kin not known. Next of kin, Brothers and Sister, Murrell Bridgeworth Salop, and Uncles Thomas and William, Mar- death Ludlow, Herefordshire.
"	George Mallard	Ditto	H. M.'s 5th European Bengal Regiment	303	12th April 1859.	Ditto	33 15 2	33 15 2	Uncle of deceased Henry Peshwell, Westminster, County Middlesex, England.
"	James FitzGerald	Bombardier	3rd Co. 1st Bn. Arty.	8774	8th November 1858, Not communicated.	Ditto	74 6 3	74 6 3	Next of kin not known.
7th	David Donagan	Gunner	Ditto	8789	27th February 1859.	Ditto	100 4 3	100 4 3	Next of kin Brother, Cornelius Collins, Drumcastree Banty, Coun- try Cork, Ireland.
"	Robert Hamilton	Ditto	Ditto	6242	14th November 1858.	Ditto	55 4 10 94 14 3	55 4 10 94 14 3	Next of kin not known. Kin Father, James Gilkison, Long Row Town, Campbell Town, Ara- gleshire, Scotland.
"	Maurice Collins	Ditto	Ditto			Ditto			Next of kin Cousin, Morris Donou- ghue, County Cork, Town of Chur- ret Town, Ireland.
"	John McAfee	Gunner and Actg. Bombr.	Ditto	8126	25th September 1858, 2nd June 1858.	Ditto	12 1 11 89 2 6	12 1 11 89 2 6	Next of kin not known.
"	James Gilkison	Gunner	Ditto	5907	31st May 1858.	Ditto	67 11 5	67 11 5	Next of kin not known.
"	Michael Donoghue	Actg. Bombardier	Ditto	6267	24th April 1858, Not communicated.	Ditto	67 3 9 34 4 0	67 3 9 34 4 0	} Next of kin not known.
"	Philip McEnery	Sergeant	Ditto	6758	22nd August 1858.	Testate	52 6 2	52 6 2	
"	John Doolin	Gunner	Ditto	8223	5th July 1858.	Ditto	22 10 3	22 10 3	Kin Father, James Waring, Staley- bridge Cheshire, England.
"	James Moody	Gunner and Actg. Bombr.	Ditto	7963	24th Ditto	Ditto	139 15 7	139 15 7	Kin not known.
"	William Dunlop	Ditto	Ditto	7076	29th June 1859.	Ditto	23 4 4	23 4 4	Re-transferred to India from ac- count current London, and retained in this Country, pending enquiry into his Brother's claim as the next of kin.
"	Patrick Quinnan	Ditto	Ditto			Ditto			Kin Father, John Akers, latest known residence Parish of Ely, Town of Cardiff, County Glamor- ganshire, Wales.
"	Samuel Waring (Wares)	Ditto	4th Ditto	9065	10th July 1859, 9th June 1857.	Intestate	367 8 8 82 1 0	367 8 8 82 1 0	Next of kin Brother, John Brennan, Ennistymore, Clare.
8th	Edward Lynnam	Corporal	Euro. Invalid Battalion...	6163		Ditto			Next of kin not known.
4th	Henry Coroner	Private	2nd Euro. Bt. Fusiliers...	1598		Intestate			Kin, Mary Ryan, Soole, Tipperary.
"	Joseph Akers	Drummer	6th European Regiment	61	9th July 1859.	Ditto	24 2 8	24 2 8	Kin Father, Patrick Donaher, Lime- rick.
"	James Brennan	Private	6th Euro. Bengal Regt.	169	17th February 1859.	Ditto	31 4 5	31 4 5	
"	Anthony Ryan	Ditto	Ditto	1591	3rd June 1859.	Ditto	24 2 0	24 2 0	
"	George Bower	Ditto	Ditto	3627	11th Ditto	Ditto	34 11 0	34 11 0	
"	Arthur Dashwood	Ditto	3rd Euro. Light Cavalry	3943	12th Ditto	Ditto	28 3 4	28 3 4	
"	John Ryan	Ditto	Ditto	1588	9th July 1859.	Ditto	4 10 9	4 10 9	
"	Edward Donaher	Ditto	Ditto	3666	26th September 1858.	Ditto	3 0 8	3 0 8	
"	David Ure	Ditto	Ditto	—	31st July 1858.	Ditto	66 4 9	66 4 9	
7th	Joseph Atkinson	Park Sergeant	Artillery, attached to the Arsenal Department	—	6th April 1859.	Ditto	25 4 0	25 4 0	
							Co.'s Rs	17542 12 1	17542 12 1

FORT WILLIAM, GENERAL TREASURY, }  
The 12th September 1859.

J. I. HARVEY,  
Sub-Treasurer.

No. 1299 of 1859.—The following Extract, from the *London Gazette* of the 29th July 1859, is published for general information :—

*War Office, 29th July 1859.*

**BREVE.**

Lieutenant-Colonel James Brind, C. B., Bengal Artillery, to be Colonel, dated 26th April 1859.

*To be Lieutenant-Colonels.*

Major Doveton Hodson, 3rd Madras European Regiment, dated 20th July 1858.

Major Joseph Lyon Barrow, Madras Artillery, dated 20th July 1858.

Major John Desbrisay Mein, Madras Artillery, dated 20th July 1858.

Major George Carr, 16th Madras Native Infantry, dated 26th April 1859.

Major William Middleton, 17th Madras Native Infantry, dated 26th April 1859.

Major John Luther Vaughan, 21st Bengal Native Infantry, dated 26th April 1859.

Major Henry Hammond, Bengal Artillery, dated 26th April 1859.

Major Lousada Barrow, C. B., 5th Madras Cavalry, dated 26th April 1859.

Major Herbert Bruce, C. B., 2nd Bombay European Light Infantry, dated 26th April 1859.

Major Thomas Augustus Carey, 17th Bengal Native Infantry, dated 26th April 1859.

Major Henry LeGeyt Bruce, Bengal Artillery, dated 26th April 1859.

Major William Templer Hughes, 48th Bengal Native Infantry, dated 26th April 1859.

Major Charles Arthur Barwell, 71st Bengal Native Infantry, dated 26th April 1859.

Major Samuel James Browne, 16th Bengal Native Infantry, dated 26th April 1859.

Major Charles Cureton, 38th Bengal Native Infantry, dated 26th April 1859.

Major Robert Cadell, Madras Artillery, dated 26th April 1859.

*To be Majors.*

Captain Frederick Turner Wroughton, 6th Bengal European Regiment, dated 20th July 1858.

Captain Frederick Neil Edmonstone, 3rd Bengal European Cavalry, dated 20th July 1858.

Captain Conolly Dysart, 3rd Madras European Regiment, dated 20th July 1858.

Captain Alfred Chicheley Plowden, 50th Bengal Native Infantry, dated 20th July 1858.

Captain William Murray, 16th Madras Native Infantry, dated 20th July 1858.

Captain Charles Henry Harrison, Madras Artillery, dated 20th July 1858.

Captain James Anthony Steel, 17th Bengal Native Infantry, dated 20th July 1858.

Captain Charles Powlett Lane, 3rd Bengal European Light Cavalry, dated 20th July 1858.

Captain Donald McNeill, Bengal Artillery, dated 20th July 1858.

Captain Charles William Miles, 25rd Bengal Native Infantry, dated 20th July 1858.

Captain Mangles James Brander, 40th Bengal Native Infantry, dated 20th July 1858.

Captain Richard Hieran Sankey, Madras Engineers, dated 20th July 1858.

Captain Arthur Howlett, 27th Madras Native Infantry, dated 26th April 1859.

Captain George John Condy, 27th Madras Native Infantry, dated 26th April 1859.

Captain Robert Patton, 3rd Bengal European Regiment, dated 26th April 1859.

Captain Reginald Ouseley, 34th Bengal Native Infantry, dated 26th April 1859.

Captain Lestock Boileau Jones, 56th Bengal Native Infantry, dated 26th April 1859.

Captain Henry Borlase Stevens, 41st Bengal Native Infantry, dated 26th April 1859.

Captain John Murray MacGregor, 6th Madras Cavalry, dated 26th April 1859.

Captain Andrew Simpson Smith, 24th Bengal Native Infantry, dated 26th April 1859.

Captain Trevor Wheeler, 1st Bengal Fusiliers, dated 26th April 1859.

Captain Henry Francis, Bengal Artillery, dated 26th April 1859.

Captain Charles Warde, 68th Bengal Native Infantry, dated 26th April 1859.

Captain John Francis Stafford, 4th Bengal Native Infantry, dated 26th April 1859.

Captain Edward Clerk, 4th Madras Cavalry, dated 26th April 1859.

Captain George Godfrey Pearse, Madras Artillery, dated 26th April 1859.

Captain Wallis Dowell, Bengal Artillery, dated 26th April 1859.

Captain Lionel Bridge, Madras Artillery, dated 26th April 1859.

No. 1300 of 1859.—The following paragraph of a Military letter from the Right Hon'ble the Secretary of State for India, No. 250, of the 4th August 1859, is published in General Orders :—

“ In consideration of the distinguished services of

Lieutenant-Colonel Wilde, and of his special fitness for the Command which he lately exercised in India, he is permitted, in accordance with your recommendation, to retain his appointment during the six months for which his leave has been extended on Medical Certificate.”

*Letter from, dated 13th May 1859, No. 65.*  
PARA. 2. Lieutenant-Colonel Wilde, C. B., Commandant 4th Regiment Punjab Infantry, allowed, subject to approval, to retain his appointment, as a special case, during his extended leave in England, it being an object that well-trained Commanders should be retained in such Corps.

No. 1301 of 1859.—ERRATA.—In that part of Government General Order No. 1217, of the 26th August 1859, which states the dates of retirement of Lieutenant-Colonel C. Aphorp, of the 41st Native Infantry, and Surgeon J. Wood, for 23rd May “ 1858,” and 7th May “ 1858,” read 23rd May 1859 and 7th May 1859, respectively. Order Books to be corrected accordingly.

No. 1302 of 1859.—Lieutenant J. Duval, of the 50th Madras Native Infantry, who was appointed to officiate as Adjutant of the Pegu Light Infantry Battalion, in Government General Order No. 91, of the 18th January 1858, is confirmed in that appointment, with effect from the 4th February 1858, the date on which Lieutenant Sanders was appointed permanently to the Civil Department.

R. J. H. BIRCH, *Major-General,*  
*Secy. to the Govt. of India.*

**Public Works Department.**

**GENERAL.—ESTABLISHMENTS.**

No. 276.

*Fort William, the 10th September 1859.*

*Transfer.*—Ensign H. J. Nuthall, Assistant Engineer, Second Class, is transferred from Oudh to the North-Western Provinces, for employment in the Irrigation Department.

No. 277.

*Leave of Absence.*—Lieutenant C. H. Luard, Deputy Superintendent, Etawah Terminal Division, Ganges Canal, is allowed two months' privilege leave to the 23rd September 1859.

No. 278.

Her Majesty's Secretary of State for India has intimated that he has granted a further extension of leave for six months, on Medical Certificate, commencing from the 5th September 1859, to Mr. W. Kay, Third Class Executive Engineer.

No. 279.

*Resignation.*—Probationary Assistant Overseer Serjeant J. Stafford, of the Jhansi Division, is permitted to resign his appointment in the Department Public Works.

No. 280.

*The 12th September 1859.*

*Notification.*—The following General Order by the Right Hon'ble the Commander-in-Chief is re-published :—

"The Commander-in-Chief is pleased to promote Gunner A. C. Martin, Assistant Overseer in the Public Works Department, to the rank of Serjeant."

G. O. C. C., dated 22nd August 1859, page 405.

No. 281.

*The 13th September 1859.*

*Appointment.*—Mr. B. Pittar is appointed a temporary Assistant Overseer in the Public Works

Department, and posted to the North-Western Provinces.

No. 282.

*Transfers.*—Mr. C. Mayne, C. E., Executive Engineer of the 4th Class, is transferred from Bengal to the North-Western Provinces, for employment under Mr. Hardy Wells, C. E., in his Survey for Rail or Tram Roads in Rohilcund.

No. 283.

*The 14th September 1859.*

Serjeant C. McCarthy, Sub-Engineer, Third Class, is transferred from Pegu to the North-Western Provinces.

No. 284.

*Notification.*—Captain F. N. Smith, Executive Engineer, 4th Class, assumed charge of the Rangoon Town Division, on the 26th July last, from Mr. E. Hyde.

No. 285.

*Appointments.*—Mr. J. H. Lawrence is appointed a temporary Assistant Overseer in the Public Works Department, and posted to Bengal.

No. 286.

Mr. C. Sarson is appointed a temporary Assistant Overseer in the Public Works Department, and posted to Bengal.

No. 287.

*Leave of Absence.*—Her Majesty's Secretary of State for India has intimated that he has granted a further extension of leave, for two months, on Medical Certificate, commencing on the 10th October next, to Mr. G. H. Dupius, Assistant Engineer, 2nd Class, Indus Canal.

R. BAIRD SMITH, Colonel,  
Offg. Secy. to the Govt. of India.



**Orders by the  
Lieutenant-Governor of Bengal.**

No. 310.

**APPOINTMENTS.**—*The 30th August 1859.*—Mr. W. C. Costley, Deputy Magistrate and Deputy Collector of Mudheepoora, is relieved of the duties of an Officer of Police, and vested with the powers of a Deputy Collector under Act X. of 1859.

Mr. B. R. Perry, Deputy Magistrate and Deputy Collector of Kissengunge, is relieved of the duties of an Officer of Police, and vested with the powers of a Deputy Collector under Act X. of 1859.

Mr. A. T. Maclean to the charge of the Sub-Division of Santipore, during the absence of Baboo Issur Chunder Ghosaul, or until further orders.

*The 5th September 1859.*—Moulvee Mahomed Kasim to the charge of the Sub-Division of Cox's Bazar, and to exercise the special powers of an Assistant to a Magistrate, described in Clause 3, Section II., Regulation III. of 1821, and Section I. Act X. of 1854, in Chittagong.

Mr. W. G. Deare, Deputy Magistrate and Deputy Collector of Bhuddruck, is vested with the full powers of a Magistrate in Balasore and Cuttack.

*The 8th September 1859.*—Mr. J. D. Ward to officiate temporarily as Magistrate and Collector of Mymensing.

Mr. R. J. Richardson to be Magistrate and Collector of Chittagong, but to continue to officiate as Civil and Sessions Judge of Shahabad, until further orders.

Mr. A. W. Russell to officiate as Magistrate and Collector of Chittagong.

Mr. T. P. Larkins to be Joint Magistrate and Deputy Collector of Chittagong.

**LEAVE OF ABSENCE.**—*The 30th August 1859.*—Baboo Issur Chunder Ghosaul, Deputy Magistrate and Deputy Collector of Santipore, for two and a half months, under Clause 1, Section VII. of the Uncovenanted Absentee Rules, in extension of the leave granted him on the 25th ultimo.

Baboo Gour Doss Bysack, Deputy Magistrate and Deputy Collector of Balasore, for one month from the 1st of October next, or from the date on which he may avail himself of the same, under Clause 1, Section VII. of the Uncovenanted Absentee Rules.

Moulvee Mahomed Abdoollah, Deputy Magistrate and Deputy Collector of Balasore, for one month, from the date on which the leave granted to Baboo Gour Doss Bysack may expire, under Clause 1, Section VII. of the Uncovenanted Absentee Rules.

*The 8th September 1859.*—The following Officers have obtained leave of absence during the ensuing Dusserah Vacation, under Clause 2, Section VII. of the Uncovenanted Absentee Rules:—

Mr. James Reily, Principal Sudder Ameen of Dinagapore.

Pundit Sree Nath Bidyabagish, Principal Sudder Ameen of Backergunge.

Moulvee Syud Ahmed Buxsh, Principal Sudder Ameen of Mymensing.

Baboo Degumber Biswas, Sudder Ameen and Moonsiff of Backergunge.

Moulvee Syud Ullee Hyder, Sudder Ameen and Moonsiff of West Burdwan.

Moulvee Mahomed Wajid Khan, Sudder Ameen and Moonsiff of Bhaugulpore.

Moulvee Gholam Batool Tamkin, Sudder Ameen and Moonsiff of Bograh.

Moulvee Abdoor Ruhman, Law Officer of West Burdwan.

Moulvee Ameeroodeen Ahmed, Law Officer of Rajshahye, for one month from the 17th instant, under Clause 1, Section VII. of the Uncovenanted Absentee Rules.

Mr. E. DaCosta, Principal Sudder Ameen of Tirhoot, for two months, under Clause 1, Section VII. of the Uncovenanted Absentee Rules.

E. H. LUSHINGTON,

*Offg. Secy. to the Govt. of Bengal.*

**Orders by the Lieutenant-Governor,  
Punjab Provinces.**

*Public Works Department,*

No. 2034, dated 3rd September 1859.

**Leave of Absence.**—Captain Stewart, Superintendent of the Western Jumna Canals, for eight weeks, from the 1st instant, or such date as he may avail himself of the same, preparatory to applying for Furlough to Europe.

*General Department,*

No. 2060, dated 2nd September 1859.

Captain J. Bean, Cantonment Joint Magistrate of Rawul Pindce, has obtained thirty days' privilege leave, from the date he may avail himself of the same, under the Military Regulations.

**Errata.**—In the Punjab Order notified in the Gazette of the 24th August, appointing certain Officers Secretaries to Local Committees for

"Mr. E. Moore" read Mr. T. W. Moore.

"Sir A. L. Lawrence, Baronet," read Sir A. H. Lawrence, Baronet.

"Mr. F. Moore" read Mr. F. E. Moore.

By Order of the Hon'ble the Lieutenant-Governor of the Punjab Provinces

R. H. DAVEN,

*Secy. to Govt., Punjab Provinces.*

**Opium Notification.**

NOTICE is hereby given, that the tenth Sale of Opium, the provision of 1857-58, will be held at the Exchange Hall, on Friday, the 14th of October 1859, at 11 A. M., and will comprise 2,260 Chests, viz:—

Behar Opium	...	...	...	1,915
Benares Ditto	...	...	...	345
Total Chests...				2,260

2. The general conditions of the Sale now advertized will be the same as usual. They may be ascertained by reference to the Notification issued on the 1st December 1858, and published in the *Government and Exchange Gazettes*, or on application at the Office of the Board of Revenue.

3. The latest dates for deposit and clearance will be the 19th and 29th October 1859, respectively, that is to say, no Sub-Treasurer's Receipts, Company's Paper or other Public Securities that may be tendered for deposit in redemption of Promissory Notes given by purchasers at the Sale, will be received after 4 P. M. of Wednesday, the 19th October 1859, and no Treasury Receipts in full payment of lots will be accepted after 4 P. M. of Saturday, the 29th October 1859.

4. In addition to the quantity above advertized for Sale, the following quantities more or less of Behar and Benares Opium of 1857-58 will be brought to Sale in the present year, on or about the dates specified below. The Board however reserve to themselves the right of altering these dates, should circumstances render it expedient to do so.

	Behar about Chests.	Benares about Chests.	Total about Chests.
On or about Monday, 7th November 1859	1915	345	2260
Do. Monday, 5th December "	1934	379	2313
	3849	724	4573

By Order of the Board of Revenue,

ASHLEY EDEN,  
Offg. Junior Secretary.

PORT WILLIAM,  
The 1st September 1859.

**Notice.**

*Hindoo Holidays in September and October 1859.*

THE General Treasury will be closed on Monday, the 26th September 1859, on account of the Hindoo Holiday, Mohaleya.

The General Treasury will be closed from Saturday the 1st, to Wednesday the 12th October 1859, both days inclusive, on account of the Hindoo Holidays Doorga and Luckhee Poojahs. All acceptances which may fall due between Saturday the 1st, to Wednesday the 12th October 1859, will be payable at the General Treasury on any business day after the 26th September 1859.

The General Treasury will be closed on Tuesday the 25th, Wednesday the 26th, and Thursday the 27th October 1859, on account of the Hindoo Holidays, Kalee Poojah and Bhrates-diteah.

J. I. HARVEY,  
Sub-Treasurer.

GENERAL TREASURY,  
The 12th September 1859.

**Notification.**

BILLS at par on the Public Treasuries of the under-mentioned Districts may be had on application to the Accountant to the Government of Bengal.

Districts.	Amounts available on this date.
Akyab,	50,000
Backergunge,	50,000
Bogra,	40,000
Cuttack, C. D.,	50,000
Dinagapore,	50,000
Jessore,	2,00,000
Jorehaut,	1,80,000
Luckimpore,	1,20,000
Mymensing,	2,40,000
Pooree,	50,000
Purneah,	2,00,000
Pubnah,	90,000
Rajshahye	1,50,000 @ $\frac{1}{2}$ per cent premium.
Rungpore,	60,000
Tipperah,	50,000

E. F. HARRISON,  
Offg. Acct. to the Govt. of Bengal.

BENGAL ACCTT.'S OFFICE,  
The 16th September 1859.

Bills applied for after 2 P. M. will not be issued till the following day.

Bills will not be granted for less than 50 Rupees.

**Notification.**

WITH the sanction of the Governor General of India in Council, it is hereby declared that the Port of Bassein and the navigable River and Channels leading to the Port are subject to Act XXII. of 1855.

The Limits of the said Port of Bassein are as follows:—

*To the North.*—A line drawn North-East from South side of Kyouk Choung Gye Creek through Shway Mien Den Pagoda.

*To the South.*—A line drawn from the South Bank of the Pamawaddy River, North-West through Ashby Rocks.

*To the East and West.*—So much of the Bassein River within the above limits and the shores thereof as are within fifty yards of high water mark spring tides.

The Limits of the navigable River and Channels leading to the said Port, made subject to the said Act, are as follows :—

*To the North.*—The Port of Bassein as above defined.

*To the South.*—A line drawn East and West through Porian Point to South end of Diamond Island and from thence North North-West through Pagoda Point.

All parts of the Bassein River between the said Limits and below high water line at spring tides are subject to the said Act.

#### PORT RULES.

I. No Vessels of above 200 Tons shall enter within the limits of the Port of Bassein or move from one place to another within the Port between sunset and sunrise, without the special permission of the Master Attendant.

II. The Commander of all Vessels arriving at the Port of Bassein are desired to enter correctly in the Columns of the Report Book of the Master Attendant as soon as presented to them, the information therein required regarding their Vessels. They will also report in writing to the Master Attendant the particulars noted in the form appended hereto.

III. All Commanders of Vessels arriving within the limits of the Port of Bassein shall anchor in such a position as the Master Attendant or his Assistant shall direct. All Vessels shall moor with two bower anchors each way and shall not move from their position without a Pilot, except with the express permission of the same authority.

IV. All Commanders of Vessels shall have their jib and driver booms rigged in when required by the Master Attendant and shall strike their masts and yards when required to do so by the Master Attendant.

V. Every Ship or Vessel within the Port of Bassein shall have removed any anchor or spar or other substance projecting from her side when so required by the Master Attendant or other Officer of the Port.

VI. The Commanders of all Vessels entering the Port of Bassein with ballast on board shall without delay send to the Master Attendant a report in writing stating the description of ballast on board, the quantity in Tons and the Port of Shipment. Application must be made by the Commander to the Master Attendant for permission to tranship or land ballast, and no ballast shall be transhipped or landed except under the sanction of the Master Attendant and only at such Stations as he shall direct.

VII. A free Channel is to be kept for Ships moving up and down the River within the Port and always free passages to piers, jetties, landing-places, wharves, quays, docks and moorings and all Vessels shall be bound to move when required to clear such Channels or passage.

VIII. All Vessels within the Port of Bassein shall be moored or warped from place to place as required by the Master Attendant or other Officers of the Port, and no Vessel shall cast off a warp that has been made fast to her to assist a

Vessel in mooring without being required to do so by the Pilot or Officer in charge of the Vessel mooring.

IX. No Vessels within the limits of the Port of Bassein shall boil any pitch or dammer on board or shall draw off spirits by candle or other artificial lights.

X. All Vessels within the Limits of the Channel leading to the Port of Bassein shall, when at anchor between sunset and sunrise, have a good light hoisted at the starboard fore-yard arm, and all Vessels under weigh at night shall show a good light at the fore royal or upper foremost head and when under weigh in tow of a Steamer shall, in addition to the mast-head light, show a good light at each fore-yard arm, the Steamer showing the usual light prescribed by the Admiralty Regulations.

The provisions of Sections XI., XXXVII, and XL. of the said Act No. XXII. of 1855 are hereby specially extended to the Port of Bassein.

By order,

H. NELSON DAVIES,

*Personal Asst. to the Commr. of Pegu,*

*and Agent to the Governor General.*

*Form of Conservator of Ports Report Book of Arrival.*

Date of Arrival at Bassein.	Name of Vessel.	Rig of Vessel.	Tonnage.	Under what Flag.	Name of Commander.	Where from.	Date of Departure.	Intermediate Ports touched at	Names of Passengers.	Remarks.

#### Notice is hereby given,

THAT the CACHAR MELA, or ANNUAL FAIR, will be held at Silchar, in Cachar, on the 30th and 31st of December 1859, and the 1st, 2nd and 3rd of January 1860.

Prizes will be given, as at the last Mela, for the best specimens of Cattle, Raw Products, and Manufactures brought for sale.

Shops will be erected for the convenience of Traders. Races, Games, &c., will be held, and a display of Fire-works take place.

N. B.—The last Mela was attended by a great concourse of people, and large herds of Buffaloes, Cows, Ponies and Goods of all kinds were brought for sale and disposed of.

R. STEWART,

*Superintendent of Cachar.*

ZILLAH CACHAR ;  
Superintendent's Office,  
The 1st August 1859.

**Notice.**

THE Steamer *Hoorungotta* will, until further notice, leave Dinapore on the 15th, and Fyzabad on the 5th of every month. Passengers intending to embark at Dhooree Burhul should be ready there on the 19th of the month for the upward voyage, and on the 6th for the downward.

The following list of charges for Passengers, and Freight for private Goods, is published for general information.

ST. G. TUCKER,

*Commissioner and Superintendent.*

COMMISSIONER'S OFFICE ; }  
Fyzabad Division, }  
The 3rd August 1859.

*Scale of Private Freight and Passage between Dinapore and Fyzabad.*

**CABIN PASSAGE.**

From Dinapore to Dhooree Ghaut, 100 miles, 4 annas per mile.

From Dhooree Ghaut to Fyzabad, 100 miles, 4 annas per mile.

200

Quarter Deck, when Cabins are not available, at 4 Rupees per diem, for the estimated time (3 days to the former and 6 to the latter.)

Deck Passage,  $\frac{1}{2}$  anna per mile.

Return Passage, Cabin,  $\frac{3}{4}$ ds of upward rates Quarter Deck for the time, (2 days from Station to Station.)

**UPWARD FREIGHT.**

Dinapore to Dhooree Ghaut, 4 annas per foot or 8 annas per maund.

Dhooree Ghaut to Fyzabad, 4 annas per foot or 8 annas per maund.

N. B.—No Package conveyed up or down less than one Rupee and eight Annas.

**ON TREASURE.**

From Station to Station, 4 annas per cent.

From Station to Station, Copper Coins, 8 pies per lb.

**CARRIAGES.**

Freight on Carriages up to any Station, 3 pies per lb.

**CATTLE TO ANY DISTANCE.**

Horses, 20 Rupees each  
Bulls and Cows, 20 Rupees each } Intermediate  
up 10 Rupees each.

Sheep, Dogs, and Goats, &c., 4 Rupees each.  
Intermediate up, 2 Rupees 8 Annas each.

All Downward Freight,  $\frac{3}{4}$ ds of the upward.

The Regulations regarding Passengers, Baggage, Freight, are to be observed the same as the Ganges Line.

H. HOWE,

*Secy. to the Supdt. of Marine.*

*Sheriff's Office; the 3rd September 1859.*

NOTICE is hereby given, that a Sessions of Oyer and Terminer and Gaol Delivery and also an Admiralty Sessions will be holden by the Supreme Court of Judicature at Fort William in Bengal, for the Town of Calcutta and Factory of Fort William, and the places subordinate thereto, at the Court-House in the Town of Calcutta, on Tuesday, the twentieth day of September instant, at 12 o'clock at noon.

The Court will open on the first day of the Sessions at 12 o'clock at noon, and upon each succeeding day precisely at 11 o'clock in the forenoon, of which all persons are required to take notice.

W. F. GILMORE,

*Sheriff.*

**সরিক আফিস ৩ সেপ্টেম্বর ১৮৫৯ সাল**

সমাচার দেওয়া যাইতেছে যে আগামি ২০ সেপ্টেম্বর ১৮৫৯ সাল মঙ্গলবার দুই প্রহরের সময় কলিকাতার কোর্ট উইলিএমের এবং তাহার অন্তঃপাতি যে সকল স্থান তন্নিমিত্ত বঙ্গ দেশের কোর্ট উইলিএমের সুপ্রেম কোর্টে আপন আদালত ঘরে ওয়েরটরমিনর এবং এডমাইরেলটি অর্থাৎ মহা সমুদ্র সম্পর্কীয় মোকদ্দমা নিষ্পত্তি জন্য এক সেশিয়ান অর্থাৎ মিছিল করিবেন।

এই সেশিয়ান জতকাল পর্যন্ত বসিবেক তাহার প্রথম দিবস দুই প্রহরের সময় তাহার পর প্রতি দিবস এগারো ঘণ্টার সময় বসিবেক এ বিষয় সকলে অরন রাখুন।

W. F. GILMORE,

*Sheriff.*

**Advertisement.**

SEALED TENDERS will be received in this Office up to 24th instant, for the transport of 65,000 maunds (more or less) of Sylhet Stone Lime from Cuttack to Calcutta.

The rates specified must be per 100 maunds of 40 Seers each, and must include all cost of conveyance from Cuttack to Calcutta, and storage in a Godown in the Civil Architect's new Depot at Cooley Bazar on the banks of Tolly's Nullah.

The Lime is to be received on board the Contractor's Boats between the months of December and March next, and the Contractor is to be responsible for all losses.

The Tenders are to specify the times to be occupied in the transport.

Each Tender to be accompanied with a deposit of 100 Rupees, which will be returned on execution of the Contract, or rejection of the Tender. A Security of 3000 Rupees will be required for the due fulfilment of the terms of this Contract.

THOMAS S. ISAAC, C. E.,

*Offg. Civil Architect.*

Statement of the Affairs of the Bank of Bengal for the Week ending 14th September 1859.

LIABILITIES.		ASSETS.	
Proprietors' Capital	1,07,00,000	Government Securities	22,88,000
Reserve Fund	1,90,819	Treasury Bills	40,00,000
Current Accounts	1,69,88,339	Dues from Government	29,939
Cash Credits Undrawn	2,90,430	Cash	2,15,42,577
Other Claims	2,12,898	Loans on Deposit of Securities	82,35,800
Bank Notes	1,54,13,724	Discount Loans on ditto	67,39,700
Post Bills	9,75,505	Accounts of Credit on ditto	5,45,600
Profit and Loss (Rebate Account)	39,563	Government Bills discounted	4,02,360
		Mercantile Bills ditto	7,22,719
		Dead Stock	1,82,029
		Doubtful Debts	12,555
	Co.'s Rs. 4,47,01,281 7 5		Co.'s Rs. 4,47,01,281 7 5

Commercial Bank of India.

CALCUTTA BRANCH.

Rates of Exchange on London Joint Stock Bank.

	s.	d.	
At 6 months' sight	2	0½	per Rupee
" 3 "	1	11½	"
" 30 days' "	1	11½	"
" 3 "	1	11½	"

The Bank grants Drafts on the Head Office, Bombay, and on its Branches in London, Shanghai, and Hong-Kong. Bills collected at any of the above places at a uniform charge of ¼ per Cent.

The Bank will undertake the purchase or sale of Government Paper, Bank Stock and other Securities, draw Interest and Dividends payable in Calcutta, when due, at a Commission of ¼ per Cent.

No charge made when the proceeds of Sale or amount of Interest or Dividends drawn is remitted in the Bank's Bills.

Rates of Interest allowed to Deposits subject to

3 months' notice of withdrawal,	4 p. ct. per annum
6 ditto ditto ditto	5 "
2 ditto ditto ditto	6 "

Published by order of the Directors,

H. I. LEE,  
Offg. Secretary and Treasurer.

G. W. MOULTREY,  
Offg. Accountant.

Notice may be given when the money is deposited, or at any subsequent time; and it will be dispensed with in cases when the money is to be remitted through the Bank.

Current Accounts kept and Interest allowed at 2 per Cent. per annum on Balances of Rupees 500 and upwards, not exceeding Rupees 50,000, unless by special agreement.

Hours of business, 10 A. M. to 3 P. M. On Saturdays, 10 A. M. to 1 P. M.

W. S. FITZWILLIAM,  
Agent.

27, TANK SQUARE,  
Calcutta, 7th October 1858. }

Court for the Relief of Insolvent Debtors at  
Calcutta.

NOTICE is hereby given that, on account of the approaching Doorga Poojah Holidays, the next Insolvent Court will be held on the 29th day of October next, and not on the 1st of October.

In the matter of George Ripley, an Insolvent. } On Saturday, the 3rd day of September instant, it was ordered that the first Saturday in the month of September 1860, be appointed for the further hearing of this matter, and that unless cause be shown to the contrary on that day, the said Insolvent be discharged personally as well as to his after acquired property from all liability for debts, claims and demands of, and against the said Insolvent at the time of the filing of his petition for relief.

Judge, Judge and Watkins, Attorneys.

Chief Clerk's Office, the 6th September 1859.

In the matter of Charles William Saliz and Edward Daniel Latapie, Insolvents. } On Saturday, the 10th day of September instant, by three several orders of this Court, the said Insolvents were respectively adjudged entitled to their personal discharge, under the Act XI. Vic. cap. XXI., as to all persons named in their Schedules as Creditors or claiming to be Creditors respectively.

In the matter of George Newbiggin, an Insolvent.

In the matter of Francis Frederick Wills, an Insolvent.

Robertson, Attorney.

Carey and Berners, Attorneys.

In the matter of Edward Daniel Latapie, an Insolvent. } On Saturday, the 10th day of September instant, an account of the Receipts and Disbursements of the Official Assignee from the 19th day of July to the 1st day of September 1859, was filed in the Office of the Chief Clerk, and it was ordered that Saturday, the 29th day of October next, should be appointed for the further hearing in this matter for the purpose of making a Dividend.

"Any Creditor or other person interested, who may intend to establish or oppose any claim upon the Estate of the said Insolvent, may attend and be heard, having given notice to the Chief Clerk three clear days before the day of hearing."

J. Cochrane, Official Assignee.



In the matter of Edward Daniel Latapie, an Insolvent. } On Saturday, the 10th day of September instant, it was ordered that Saturday, the 29th day of October next, be appointed for the further hearing of this matter, and that unless cause be shown to the contrary on that day, the said Insolvent be discharged personally as well as to his after acquired property from all liability for debts, claims and demands of, and against the said Insolvent at the time of the filing of his petition for relief.

Robertson, Attorney.

In the matter of Charles William Saliz, an Insolvent. } On Saturday, the 10th day of September instant, it was ordered that Saturday, the 29th day of October next, be appointed for the further hearing of this matter, and that unless cause be shown to the contrary on that day, the said Insolvent be discharged personally as well as to his after acquired property from all liability for debts, claims and demands of, and against the said Insolvent at the time of the filing of his petition for relief.

Robertson, Attorney.

In the matter of Charles William Saliz and Edward Daniel Latapie, Insolvents. } On Saturday, the 10th day of September instant, it was ordered that the first Saturday in the month of October 1860, be appointed for the further hearing of this matter, and that unless cause be shown to the contrary on that day, the said Insolvents be discharged personally as well as to their after acquired property from all liability for debts, claims and demands of, and against the said Insolvents at the time of the filing of their petition for relief.

Robertson, Attorney.

In the matter of George Newbiggin, an Insolvent. } On Saturday, the 10th day of September instant, it was ordered that Saturday, the 29th day of October next, be appointed for the further hearing of this matter, and that unless cause be shown to the contrary on that day, the said Insolvent be discharged personally as well as to his after acquired property from all liability for debts, claims and demands of, and against the said Insolvent at the time of the filing of his petition for relief.

Robertson, Attorney.

In the matter of Charles William Saliz, an Insolvent. } On Saturday, the 10th day of September instant, an account of the Receipts and Disbursements of the Official Assignee from the 4th day of July to the 1st day of September 1859, was filed in the Office of the Chief Clerk, and it was ordered that Saturday, the 29th day of October next, should be appointed for the further hearing in this matter for the purpose of making a Dividend.

“Any Creditor or other person interested, who may intend to establish or oppose any claim upon the Estate of the said Insolvent, may attend and be heard, having given notice to the Chief Clerk three clear days before the day of hearing.”

J. Cochrane, Official Assignee.

In the matter of Thomas Muir, an Insolvent. } On Saturday, the 10th day of September instant, an account of the Receipts and Disbursements of the Official Assignee from the 26th day of February to the 1st day of September 1859, was filed in the Office of the Chief Clerk, and it was ordered that Saturday, the 29th day of October next, should be appointed for the further hearing in this matter for the purpose of making a Dividend.

“Any Creditor or other person interested, who may intend to establish or oppose any claim upon the Estate of the said Insolvent, may attend and be heard, having given notice to the Chief Clerk three clear days before the day of hearing.”

J. Cochrane, Official Assignee.

In the matter of Surborunjun Mookerjee, of Musjidbarree Street, in Calcutta, lately Hotel-keeper in Loll Bazar, and also Trader at Banstollah Lane, Calcutta, an Insolvent. } Notice, that the petition of the said Insolvent, seeking the benefit of the Act XI. Vic. cap. XXI., was filed in the Office of the Chief Clerk on the 16th day of September instant, and by an order of the same date, the Estate and Effects of the said Insolvent were vested in the Official Assignee.

Orr and Goodall, Attorneys.

In the matter of Surborunjun Mookerjee, of Musjidbarree Street, in Calcutta, lately Hotel-keeper in Loll Bazar, and also Trader at Banstollah Lane, Calcutta, an Insolvent. } On Friday, the 16th day of September instant, it was ordered that the matters of the petition of the said Insolvent be heard on Saturday, the 5th day of November next, and that the said Insolvent do then attend to be examined by the said Court.

Orr and Goodall, Attorneys.

In the matter of Charles Laverack Brown, an Insolvent. } On Saturday, the 10th day of September instant, an account of the Receipts and Disbursements of the Official Assignee from the 28th day of May to the 1st day of September 1859, was filed in the Office of the Chief Clerk, and it was ordered that Saturday, the 10th day of October next, should be appointed for the further hearing in this matter for the purpose of making a Dividend.

“Any Creditor or other person interested, who may intend to establish or oppose any claim upon the Estate of the said Insolvent, may attend and be heard, having given notice to the Chief Clerk three clear days before the day of hearing.”

John Cochrane, Official Assignee.

In the matter of John Hutchison Fergusson, an Insolvent. } On Saturday, the 10th day of September instant, an account of the Receipts and Disbursements of the Official Assignee from the 11th day of August 1858 to the 1st day of September 1859, was filed in the Office of the Chief Clerk, and it was ordered that

Saturday, the 29th day of October next, should be pointed for the further hearing in this matter for the purpose of making a Dividend.

“Any Creditor or other person interested, who may intend to establish or oppose any claim upon the Estate of the said Insolvent, may attend and be heard, having given notice to the Chief Clerk, three clear days before the day of hearing.”

John Cochrane, Official Assignee.

In the matter of Brojo-mohun Paul, an Insolvent. } On Saturday, the 10th day of September instant, an account of the Receipts and Disbursements of the Official Assignee from the 12th day of March to the 1st day of September 1859, was filed in the Office of the Chief Clerk, and it was ordered that Saturday, the 29th day of October next, should be appointed for the further hearing in this matter for the purpose of making a Dividend.

“Any Creditor or other person interested, who may intend to establish or oppose any claim upon the Estate of the said Insolvent, may attend and be heard, having given notice to the Chief Clerk three clear days before the day of hearing.”

John Cochrane, Official Assignee.

In the matter of John Deffell, an Insolvent. } On Saturday, the 10th day of September instant, an account of the Receipts and Disbursements of the Official Assignee from the 10th day of September 1858 to the 1st day of September 1859, was filed in the Office of the Chief Clerk, and it was ordered that Saturday, the 29th day of October next, should be appointed for the further hearing in this matter for the purpose of making a Dividend.

“Any Creditor or other person interested, who may intend to establish or oppose any claim upon the Estate of the said Insolvent, may attend and be heard, having given notice to the Chief Clerk three clear days before the day of hearing.”

John Cochrane, Official Assignee.

In the matter of Roopchand Dutt, an Insolvent. } On Saturday, the 10th day of September instant, an account of the Receipts and Disbursements of the Official Assignee from the 27th day of October 1858 to the 1st day of September 1859, was filed in the Office of the Chief Clerk, and it was ordered that Saturday, the 29th day of October next, should be appointed for the further hearing in this matter for the purpose of making a Dividend.

“Any Creditor or other person interested, who may intend to establish or oppose any claim upon the Estate of the said Insolvent, may attend and be heard, having given notice to the Chief Clerk three clear days before the day of hearing.”

John Cochrane, Official Assignee.

In the matter of Ernest Melchior, an Insolvent. } On Saturday, the 10th day of September instant, it was ordered that the first Saturday in the month of October 1860, be appointed for the further hearing of this matter, and that unless

cause be shown to the contrary on that day, the said Insolvent be discharged personally as well as to his after acquired property from all liability for debts, claims and demands of, and against the said Insolvent at the time of the filing of his petition for relief.

Lyons and Dow, Attorneys.

In the matter of Kisore Chund Khettry, of Rajah's Postah, in Calcutta, Broker, an Insolvent. } Notice, that the petition of the said Insolvent, seeking the benefit of the Act XI. Vic. cap. XXI., was filed in the Office of the Chief Clerk on the 16th day of November next, and by an order of the same date, the Estate and Effects of the said Insolvent were vested in the Official Assignee.

In the matter of Kisore Chund Khettry, of Rajah's Postah, in Calcutta, Broker, an Insolvent. } On Friday, the 16th day of September instant, it was ordered that the matters of the petition of the said Insolvent be heard on Saturday, the 5th day of November next, and that the said Insolvent do then attend to be examined by the said Court.

Insolvent in person.

Chief Clerk's Office, the 16th September 1859.

## East India Copper Company, "Limited."

At a Special General Meeting of the East India Copper Company held at the Company's Office, 5, New China Bazar Street, on Wednesday, the 24th August 1859, pursuant to the following Advertizments:—

“It having been resolved at a Special General Meeting held on the 11th day of August 1859, of East India Copper Company, “Limited,” that the said Company be voluntarily wound up, Notice is hereby given, that a General Meeting of the Shareholders will be held on Monday, the 22nd instant, at the hour of noon, at the Registered Office of the Company, No. 5, New China Bazar Street, to appoint a Liquidator or Liquidators, for the purpose of winding up the affairs of the Company and distributing the Property.”

“The Special Meeting of the East India Copper Company, “Limited,” advertized for yesterday, the 22nd instant, will take place on Wednesday, the 24th instant, at 4 o'clock, to which day it has been postponed in consequence of the non-attendance of sufficient Shareholders.”

Mr. J. M. Grob was voted to the Chair, and the following Resolution agreed to by all present and the Shareholders whose signature are hereunto attached:—

“That Mr. C. Durrschmidt be appointed Liquidator in terms of the Act upon a Commission of (1) one per Cent. upon the Assets.”

(Signed) J. M. Grob,  
Chairman

**Notice.****The Calcutta Printing and Publishing Company (Limited.)**

AN Extraordinary General Meeting of Shareholders of the *Calcutta Printing and Publishing Company (Limited)* will take place on Tuesday, the 27th September 1859, at 4 o'clock p. m. precisely, at the Company's Office, No. 1, Weston's Lane, Cossitollah, for the purpose of dissolving the Company.

Your presence on this occasion is respectfully solicited.

GEORGE SHALLOW,  
*For Self and Board.*

25th August 1859.

**Eastern Bengal Railway Company.**

NOTICE to Shareholders. Interest at 5 per cent per annum to the 30th June last, or amount paid up on shares is now in course of payment at the Office of the Company, No. 5, Harrington Street.

(Signed) W. F. FERGUSON,  
*Acting Agent.*

Calcutta, 13th September 1859.

**The Calcutta Steam Tug Association. Limited.**

THE Half-yearly Meeting of Shareholders will be held at the Office of the Secretaries, on Monday, the 19th September 1859, at noon. The Books and Accounts are open for the inspection of Shareholders.

GORDON, STUART & Co.,  
*Secretaries.*

CALCUTTA,  
The 10th September 1859. }

**Partnership.**

MR. ALEXANDER SIMSON is this day admitted a Partner in our Firm.

PURRIER & Co.

2, FAIRLIE PLACE,  
The 1st September 1859. }

**Lost or Destroyed.**

THE Government Promissory Note, No. 1992 of 18318, of the Four per Cent Loan of 1854-55, late (unknown) for 2,500 Rupees, originally standing (it is supposed) in the name of E. H. Morland, Esq., Secretary to the Thomason Testimonial Fund, and last endorsed (it is believed) to be Collector of Agra, or the Principal of Agra College. Payment of the above Note, and of Interest thereon, has been stopped at the Loan Office, and application is about to be made to Government for the issue of a Duplicate Note, in favor of the Proprietor.

W. ANDERSON, L. L. D.,  
*Offg. Print. Government College, Agra.*  
AGRA COLLEGE,  
The 5th September 1859. }

**Lost, Stolen or Destroyed during the Mutinies of 1857.**

THE lower-half of the Government Promissory Note, No. 25711, of the 30th June 1854, of the 4 per Cent. for Rs. 1,000, originally standing in the name of the Deputy Commissary General, Upper Circle, and last endorsed to Balmokund, the Proprietor, by whom it was never endorsed to any other person. Payment of the above Note and of Interest thereupon has been stopped at the Loan Office, and application is about to be made to Government for the issue of a Duplicate Note in favor of the Proprietor.

A. MCKENZIE,  
*D. A. C. Genl.*

PESHAWUR ;  
Ex.-Commissariat Office,  
The 3rd September 1859. }

**Notice.**

LOST OR DESTROYED during the Mutiny at Futtyghur in 1857, a Government Promissory Note, of the 5 per Cent. Public Works Loan of 1854-55, dated 12th March 1855, for Company's Rupees (4,000) four thousand, originally standing in the name of S. Maltby, Esq., Civil Assistant Surgeon, Superintendent, Futtyghur Branch Dispensary, for a Duplicate of which application will be made to the Financial Secretary to the Government of India.

C. H. LINDSAY,  
*Offg. Collr. and Magistrate.*

FERRUCKABAD ;  
Collr. and Magistrate's Office,  
The 7th September 1859. }

**Lost or Stolen.**

THROUGH Post Office, on transit from Balasore to Calcutta, Bengal Bank Note for Rupees (50) fifty. Payment stopped at the Bank. Apply to Deputy Magistrate, Balasore.

**Lost.**

THE Government Promissory Note, No. 5471 of 1835-36, of the 4 per Cent. Loan of 1835-36, for Company's Rupees 500, originally standing in the name of Edward Kinsley, the Proprietor, by whom it was never endorsed to any other person. Payment of the above Note, and of Interest thereupon, has been stopped at the Loan Office, and application is about to be made to Government for the issue of a Duplicate Note, in favor of the Proprietor.

E. KINSLEY.

**Postal Notice.**

THE Public are informed that, from the 1st proximo, the charges on Goods and Passengers by the Bullock Train, will be reduced to the rates in force prior to the outbreak, excepting that the downward rates in place of being only half, will correspond with, the upward rates.

G. PATON,  
*Post-Master General, N. W. P.*

POST-MASTER GENL.'S OFFICE ;  
Agra,  
The 10th September 1859. }

Notice by the Offg. Director-General of  
the Post Office in India.

THE Public are hereby informed that, under an arrangement between the Secretary of State for India and Her Majesty's Post-Master General, an additional charge of one Penny will be levied from the 1st of January 1860, upon all single Newspapers and Prices Current sent from the United Kingdom to any part of India, or from any part of India to the United Kingdom *via* Southampton.

The total Postage upon each Newspaper is as under:—

*Via Southampton.*

On a Newspaper not exceeding *as. p.*  
four Ounces in weight ..... 2*d.* or 1 6

On a Newspaper above 4 Ounces  
and under 8 Ounces in weight ... 3*d.* or 2 0

On a Newspaper above 8 Ounces  
and under 12 Ounces in weight.. 4*d.* or 3 0

The Postage of 3*d.* or 2 annas hitherto levied on each Newspaper not exceeding 4 Ounces in weight sent *via* Marseilles remains unaltered.

All Newspapers posted on or after the 1st of January 1860, which may be insufficiently paid, but upon which one Penny or a single Newspaper rate of Postage has been paid, will be forwarded charged with the deficiency of Postage, and a fine of one Penny or nine Pies.

Pre-payment must be made as now by Stamps.

R. H. WILLIAMSON,  
Offg. Director-General of  
the Post Office in India.

CALCUTTA,  
The 10th September 1859. }

Notices issued by the  
Post-Master of Calcutta.

No. 2126.

The 10th September 1859.—The Overland Mail per Steamer *Bengal* will be closed on Thursday, the 22nd instant, at 6 p. m.

Letters for Madras, Ceylon, the Straits, China, Mauritius and Australia can be sent by this opportunity:

	Weight.	<i>Via</i> Marseilles.	<i>Via</i> Southampton.
Postage.	Under $\frac{1}{2}$ ounce	Rs. 0 6 0	Rs. 0 0 0
	" $\frac{1}{2}$ "	" 0 8 0	" 0 4 0
	" $\frac{1}{2}$ "	" 0 14 0	" 0 0 0
	" 1 "	" 1 0 0	" 0 8 0
	" 2 "	" 2 0 0	" 1 0 0

No. 1981.

The 12th September 1859.—Notice is hereby given, that the Mails for Penang, Singapore and Hong-Kong, for transmission per Steamer *Luncheonfield*, will be closed at this Office on Monday, the 19th instant, at 6 p. m.

No. 1982.

The 12th September 1859.—Notice is hereby given, that the Mails for Akyab, Rangoon and Moulmein, for transmission per Steamer *Burmah*, will be closed at this Office, on Monday, the 19th instant, at 6 p. m.

No. 2147.

The 13th September 1859.—Notice is hereby given that, in consequence of the departure of the Pilot Vessel *Guide* having been postponed, the Mail for Chittagong will be closed at this Office on Monday, the 19th instant, at 6 p. m.

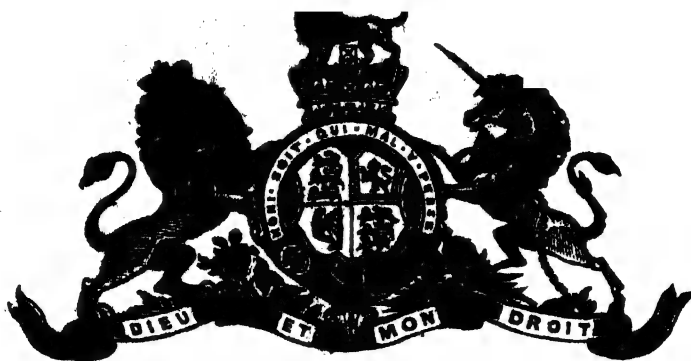
No. 2218.

The 16th September 1859.—Notice is hereby given, that in consequence of the departure of the Steamer *Lancfield* having been postponed, the Mails for Penang, Singapore and Hong-Kong, will be closed at this Office on Wednesday, the 21st instant, at 6 p. m.

PACKETS for the reception of Letters by the following Ships are open at this Office:—

NAMES OF VESSELS.	Agents.	Intended Departure.	For what Port.	Touching at	REMARKS.
Steamer <i>Bengal</i> ...	P. & O. S. N. Co. ..	23rd Sept. 1859	Suez ..	Madras, Ceylon & Aden.	
" <i>Burmah</i> ..	Mackinnon, McKenzie & Co.	20th Ditto ..	Moulmein.	Akyab and Rangoon.	
" <i>Governor</i> ..	Ditto ..	18th Ditto ..	Madras ..	Bimlipatam, Vizagapatam, Coconada and Masulipatam.	
" <i>Lancfield</i> ...	Jardine, Skinner & Co. ..	22nd Ditto ..	Hong-Kong	Penang and Singapore.	
Ship <i>Captain Cooke</i> ...	William Thomson ..	19th Ditto ..	London ...	Cape of Good Hope.	

The 16th September 1859.



# The Calcutta Gazette, EXTRAORDINARY.

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THURSDAY, SEPTEMBER 15, 1859.

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No. 79.

## NOTIFICATION.

Fort William, Financial Department.

THE 15TH SEPTEMBER 1859.

HIS Excellency the Governor General in Council is pleased to cancel Rule 3 of the Rules published in the Government Notification, No. 61, dated the 12th November 1858, and to direct the substitution of the following Rule, as Rule 3 of the above-mentioned Rules :—

**RULE 3.**—Notes presented for encasement at Bombay and Madras will be forwarded to the Accountant-General to the Government of India at this Presidency, by whom the Notes, after encasement and registry, will be returned to the Presidency whence they were sent, for delivery to the Holders: provided however that, in cases in which the Notes shall previously have been transferred for the payment of Interest to Bombay (or Madras, as the case may be), it will be at the option of the Holders to have such Notes encased and registered by the Accountant-General at Bombay (or Madras, as the case may be), on the condition that a Certificate be affixed on the back of such Notes by the Accountant-General of the Presidency concerned, that all existing endorsements have been examined by him and are valid and correct, and that the Note itself is genuine and outstanding; and on the understanding that no endorsements made subsequently to the date of the Accountant-General's Certificate will be recognized in England.

By Order of His Excellency the Governor General in Council,

HUGH LUSHINGTON,

*Secretary to the Govt. of India.*





# The Calcutta Gazette.

WEDNESDAY, SEPTEMBER 21, 1859.

## Legislative Council of India.

THE 6TH SEPTEMBER 1859.

THE following Bill, as settled in Committee of the whole Council, was ordered to be published for general information, and to be re-considered after three months:—

*A Bill for simplifying the Procedure of the Courts of Criminal Judicature established by Royal Charter.*

WHEREAS it is expedient to simplify the Procedure of the Courts of Criminal Judicature not established by Royal Charter; It is enacted as follows:—

### CHAPTER. I.

#### OF THE JURISDICTION OF THE CRIMINAL COURTS.

1. The Criminal Courts of the several grades according to the powers vested in them respectively by any law for the time being in force shall take cognizance of all offences punishable under the Penal Code or under any special or local law, except offences which are by any such law made punishable by some other authority therein specially mentioned.

2. The Criminal Courts shall have jurisdiction over all persons in respect of such offences except such persons as by any Act of Parliament or by any Regulation of the Codes of Bengal, Madras, and Bombay respectively, or by any Act of the Governor General of India in Council, are or shall be expressly exempted from such jurisdiction

3. No person whatever shall, by reason of place of birth or by reason of descent, be exempt from the rules of Criminal Procedure. Provided that nothing in this Section shall be held to authorize the trial or commitment for trial before any Criminal Court of any person who in respect of the offence with which he is charged is not subject to the jurisdiction of that Court.

4. Except where otherwise expressly provided by this Act, every offence shall be enquired into and determined and the offender prosecuted and punished in the district or division in which the offence was committed. Provided that nothing in this Section shall exempt European British subjects from being tried and convicted before the Supreme Courts of Judicature for offences committed beyond the local limits of such Courts.

5. When a person shall be accused of the commission of any offence by reason of any thing which has been done and of any consequence which has ensued, such offence may be enquired into and determined and every such offender prosecuted and punished in any district or division in which any such thing shall have been done or any such consequence shall have ensued.

6. The abetment of an offence wherever such abetment shall have taken place, may be enquired into and determined in any district or division in which the offence abetted may be enquired into and determined by any Court which has jurisdiction to try such offence as if the abetment had been committed at the same place at which the offence

abetted was wholly or partly committed; or the abetment may be enquired into and determined in any district or division within which the abettor has done any thing for abetting the commission of such offence.

7. Where any offence shall be committed on the boundary or boundaries of two or more districts or divisions, whether subject to the same local Government or not, or shall be begun in one district or division and completed in another, every such offence may be enquired into and determined in any of the said districts or divisions in the same manner as if it had been actually and wholly committed therein.

8. Where any offence shall be committed on any person or on or in respect of any property in or upon any coach, cart, or other carriage or conveyance or upon any beast of burden employed in any journey, or shall be committed on any person or on or in respect of any property on board any vessel employed on any voyage or journey upon any navigable river, canal, or inland navigation, such offence may be enquired into and determined in any district or division through any part whereof such coach, cart, carriage, conveyance, beast of burden, or vessel shall have passed in the course of the journey or voyage during which such offence shall have been committed, in the same manner as if it had been actually committed in such district or division; and in all cases where the side, middle, or other part of any highway, or the side, bank, middle, or other part of any such river, canal, or navigation, shall constitute the boundary of any two districts or divisions, such offence may be enquired into and determined in either of the said districts or divisions through or adjoining to or by the boundary of any part whereof such coach, cart, carriage, conveyance, beast of burden, or vessel shall have passed in the course of the journey or voyage during which such offence shall have been committed, in the same manner as if it had actually been committed in such district or division.

9. Whosoever shall fraudulently receive or fraudulently have in possession any stolen property, knowing the same to be stolen property, may be prosecuted and punished in any district or place in which he shall have or shall have had such stolen property in his possession, or in any district or place in which any person by whose offence that property came to be stolen property may be prosecuted and punished.

10. Whosoever shall commit any offence by unlawfully receiving or having in possession any moveable property, knowing the same to have been unlawfully taken, obtained, appropriated, or converted, may be prosecuted and punished in any district or place in which he shall have or shall have had such property in his possession, or in any district or place in which any person who unlawfully took, or obtained, or appropriated, or converted such property, may be prosecuted and punished for any offence committed thereby.

11. Any person convicted of an offence who shall escape from any custody in which he is lawfully detained in pursuance of a sentence of a Court of Justice, or by virtue of a commutation of such sentence, may be prosecuted and punished either in the district or place where he shall be apprehended and retaken or in the district in which he shall have escaped from custody.

12. Any offender who shall return from transportation or banishment, the term of such transportation or banishment not having expired, and his punishment not having been remitted, may be prosecuted and punished either in the district or place where he shall be apprehended, or in that in which he was formerly tried.

13. Whenever any doubt shall arise as to the district or division in which any offence should be enquired into or any offender prosecuted, it shall be lawful for the Sudder Court within whose jurisdiction the offender is apprehended to determine in which district or division the enquiry or prosecution shall take place.

14. It shall be competent to the Sudder Court to direct the transfer of any Criminal case or appeal from a Criminal Court subordinate to its authority to any other such Criminal Court of equal or superior jurisdiction, whenever it shall appear to the satisfaction of such Sudder Court that the transfer will promote the ends of justice or tend to the general convenience of the parties and witnesses.

15. It shall be competent to a Magistrate to withdraw any Criminal case from any Court of a Deputy Magistrate of either class within his district and to try the case himself or to refer it for trial to any other such Court of equal or superior jurisdiction.

## CHAPTER II.

### PRELIMINARY RULES.

16. In all Criminal Courts complainants and witnesses shall be examined according to the provisions of the law for the time being in force in relation to the examination of complainants and witnesses.

17. In all cases where by the sentence or order of any Criminal Court a fine is imposed upon a conviction for any offence made punishable by fine whether the offence be punishable or punished by fine only or

otherwise, it shall be lawful for such Court to order that the fine or any part thereof not exceeding the loss appearing to be caused to the person who has suffered by such offence, be paid to or for the benefit of such person according to the discretion of the Court, and in every such case the fine when levied or paid shall be paid and distributed accordingly.

18. In every case punishable with imprisonment as well as fine, in which the offender is sentenced to a fine, whether with or without imprisonment, the Criminal Courts shall be guided by the provisions of Sections 8 and 9 Chapter III of the Penal Code in awarding the period of imprisonment in default of payment of the fine; provided, however, that in such cases decided by the Magistrate and Subordinate Criminal Courts, the period of imprisonment awarded in default of payment of the fine shall in no case exceed one-fourth of the period of imprisonment which such Magistrate or Subordinate Criminal Court is competent to inflict as punishment for the offence otherwise than as imprisonment in default of payment of the fine.

19. In every case in which an offender is sentenced to a fine, it shall be competent to the Court which sentences such offender, whether the offence be punishable with fine only or otherwise and whether or not the sentence direct that in default of payment of the fine the offender shall suffer imprisonment, to issue a warrant for the levy of the amount by distress and sale of any goods and chattels of the offender which may be found within the jurisdiction of the Court.

20. It shall be competent to the Government to empower any Subordinate Criminal Court to hold the preliminary enquiry into cases triable by the Court of Session, or by any of the Supreme Courts of Judicature, and to commit or hold to bail parties to take their trial before such Courts, and to exercise all the powers necessary for such purposes.

21. No person shall be empowered by Government to hold a preliminary enquiry into cases triable by any of the Supreme Courts of Judicature, or to arrest, hold to bail, or commit any European British subject, unless the person so authorized is a Covenanted servant of Government or a European British subject.

22. Nothing in the foregoing Section shall be taken to prevent any Officer exercising the lawful powers of Magistrate from hearing a complaint against a European British subject, and issuing a warrant of arrest or holding to bail any European British subject so charged with a view to the complaint being investigated before a Magistrate authorized as provided in the last foregoing Section.

23. When a European or American has been arrested or held to bail under a warrant issued by an Officer not being a Covenanted servant or a European British subject, such Officer shall forthwith forward him to the Magistrate of the District or to some other Officer exercising the powers of a Magistrate who is a Covenanted servant or a European British subject.

### CHAPTER III.

#### OF THE SUMMONS AND WARRANT OF ARREST.

24. Where an offence has been committed, or is supposed to have been committed, the proceeding, in order to compel the party known or suspected to have committed such offence to appear for the purpose of enquiry concerning the same, may be by summons or arrest.

25. A summons or a warrant of arrest may be obtained on such complaint as is described in the next succeeding Section.

26. Every complaint made before a Magistrate or other Officer having any of the powers of a Magistrate and who is also authorized to receive cases without reference from a Magistrate, in order to the issuing of a summons or a warrant against a person accused of any offence either directly or on suspicion, if not written, shall be forthwith reduced into writing, and shall be signed by the complainant, and also by the Magistrate or other Officer issuing the summons or warrant.

27. Upon such complaint duly made before a Magistrate or other Officer as aforesaid, he shall, in case it appear to him that there is sufficient ground for proceeding, issue his summons or warrant for causing the person accused to appear before himself or some other Magistrate or Officer or Court having jurisdiction; and if in the judgment of such Magistrate or other Officer there be no sufficient ground, he shall dismiss the complaint whether it be direct or on suspicion only.

28. Except as is otherwise provided in Chapter X of this Act, a Magistrate or other Officer as aforesaid may without any complaint take cognizance of any offence which may come to his knowledge and may issue a summons or warrant of arrest against the party known or suspected to have committed such offence in the same manner as if a complaint had been made against such person. This Section shall not apply to the offences described in Chapters XX, XXI, and XXII of the Penal Code.

29. Every summons issued by a Magistrate or other Officer as aforesaid to a person so accused shall be in writing, under the signature and seal of the Magistrate or other Officer issuing it, and shall be in the form (A) given in the Appendix or to the like effect.

30. The summons shall be served on the person accused personally, or in case the person accused shall not be found at his ordinary place of residence it may be left for him with some adult male member of his family residing with him.

31. A Magistrate or other Officer as aforesaid may, notwithstanding such summons, either before the appearance of the person accused, as required by such summons, or after default made by him so to appear, issue a warrant of arrest against such person in all cases in which he might so have done had no such summons been issued.

32. A Magistrate or other Officer as aforesaid of one district or division may grant a warrant for the apprehension of a suspected offender within that district or division as the case may be, in respect of an offence of which the law takes cognizance committed in a different district or division, or on the high seas, or in a foreign country.

33. In the preceding Sections, and any other Section of this Act, wherever the district or other place or the Court in or before which any offence is to be enquired of and determined, or any offence is to be prosecuted and punished, is described, the term "enquired of" shall be deemed to comprise every proceeding preliminary to trial; the term "determined," to comprise trial, and every subsequent proceeding, including the punishment of the offender; and the terms "prosecuted and punished," to comprise every proceeding, whether preliminary or subsequent to trial, or upon such trial; unless in any such case there be something in the subject or context repugnant thereto.

34. The local jurisdiction of the Magistrate of a zillah or district shall for the purposes of this Act be deemed a district; and the local jurisdiction of a Deputy Magistrate, when such Deputy Magistrate is invested with jurisdiction in a particular part of the district, shall be deemed a division.

#### CHAPTER IV.

##### OF THE WARRANT AND ITS EXECUTION.

35. Every warrant shall be in writing and shall be signed and sealed by the Magistrate or other Officer

issuing it and shall be in the form (B) given in the Appendix or to the like effect.

36. A warrant directed to several persons may be executed by all or by any one or more of them.

37. A warrant directed to a Superior Officer of Police or to a nazir or other proper Officer of a Court may be executed by any Officer subordinate to such superior Officer of Police or Officer of the Court respectively whose name shall be endorsed upon the warrant by the Officer to whom the same is directed.

38. A Magistrate or other Officer authorized to issue a warrant or other Criminal process may attend personally for the purpose of seeing that the same be duly executed, and may adopt or direct any legal measures that may be necessary for the due execution thereof.

39. A warrant directed to any other person than an Officer of Police or of a Court shall be executed by that person; provided nevertheless, that any other person may aid in executing such warrant if the person authorized to execute the same be near at hand and acting in the execution of the warrant.

40. Every person is bound to assist a Magistrate or Police Officer demanding his aid in the taking of an offender, the preventing a breach of the peace, the suppression of a riot, or the taking of the rioters.

41. A warrant issued by any Magistrate or other Officer as aforesaid must be executed (unless it be specially otherwise provided) within the jurisdiction of the Magistrate or other Officer by whom it was issued, or of the Magistrate or other Officer by whom it has been duly endorsed for execution.

42. In case any person against whom a warrant shall be issued by any Magistrate or other Officer as aforesaid shall escape, go into, reside, or be, or be supposed to be, in any place out of the jurisdiction of the Magistrate or other Officer granting such warrant, the Magistrate or other Officer of the place into or in which such person shall escape, go, reside, be, or be supposed to be, whether such place shall be subject to the same local Government or no shall endorse his name on such warrant which shall be a sufficient authority to the person or persons bringing such warrant, and to all other persons to whom such warrant was originally directed, to execute such warrant within the jurisdiction of the Magistrate or other Officer who endorsed such warrant, and to apprehend and carry such person before the Magistrate or other Officer who endorsed such warrant, or before the

Magistrate or other Officer of the district where the offence was committed. In case such person be carried before the Magistrate or other Officer who endorsed the warrant, and the offence with which he is charged is bailable in law, he shall be dealt with in the manner hereinafter described in Section 122. If the offence be not bailable, he shall be forwarded to the Magistrate or other Officer of the district in which such offence was committed.

43. Provided that it shall be competent to a Magistrate or other Officer issuing a warrant for the arrest of a person out of his jurisdiction to direct the warrant to the Magistrate or other Officer of the district in which such person is, or is supposed to be, and to transmit the same by post. On the receipt of the warrant by the Magistrate or other Officer to whom it is directed, he shall endorse his name on such warrant, and enforce its execution in the same manner as if the warrant had been originally issued by himself. On such person being apprehended and carried before the Magistrate or other Officer who endorsed the warrant, he shall be dealt with as provided in the last preceding Section.

44. If a person for whose apprehension a warrant has been granted by a Magistrate or other Officer under the provisions of Section 32 is suspected of an offence committed in a different district, the Magistrate or other Officer granting the warrant shall, unless he is authorized by any law to complete the enquiry himself, send the person arrested to the Magistrate or other Officer of the district in which the offence was committed, or take bail for his appearance before such Magistrate or other Officer if the offence of which he is suspected is bailable in law; and in all other instances the Magistrate or other Officer shall report the case for the orders of the Sudder Court.

45. If the warrant under Section 32 shall have been granted by any Officer subordinate to a Magistrate, such Officer shall send the person arrested to the Magistrate to whom he is subordinate, unless the offence of which the person arrested is suspected shall have been committed in the jurisdiction of another Subordinate Officer of the same district; in which case the Officer who granted the warrant shall send the person arrested to the Officer of the division in which such offence was committed.

46. In making an arrest the Officer or other person executing the warrant shall actually touch or confine the body of the person to be arrested, unless there be a submission to the custody by word or action.

47. After arrest the person arrested shall not be subjected to any more restraint than such as may be necessary to prevent his escape.

48. An Officer or other person executing a warrant of arrest shall notify the substance of the warrant, and if required so to do shall show the warrant.

49. If a person against whom a warrant of arrest is issued shall forcibly resist the endeavor to arrest him, it shall be lawful for the person executing the warrant to use all such means as may be necessary to effect the arrest.

50. Any person authorized by a warrant to arrest a person accused of any offence for which a warrant may issue on complaint, may break open any outer or inner door or window of a dwelling house, whether that of the person accused or of any other person, in order to execute such warrant, if, after notification of his authority and purpose, and demand of admittance duly made, he cannot otherwise obtain admittance.

51. If information be received that a person accused of any offence for which a warrant may issue, has concealed himself in a zenanah or female apartment in the actual occupancy of women, the Officer or other person employed to execute the warrant shall take such precautions as may be necessary to prevent the escape of the accused, and if such person shall not deliver himself up, the Police Officer or other person authorized to execute the warrant may break open the zenanah, and execute the process intrusted to him, first giving notice to any woman in the zenanah that she is at liberty to withdraw.

52. After arrest made, the Officer or other person executing the warrant shall without unnecessary delay bring the person arrested before the Magistrate or other authority described in the warrant.

53. No Officer or other person shall offer to the person arrested any inducement, by threat or promise or otherwise, to make any disclosure. But no Officer or other person shall prevent the person arrested, by any caution or otherwise, from making any disclosure which he may be disposed to make of his own free will.

## CHAPTER V.

### OF ARREST WITHOUT WARRANT.

54. A Police Officer or other person who sees any offence committed for which a warrant may issue may, without warrant, arrest the offender.



55. A Police Officer may, without warrant, arrest of his own authority a person against whom a reasonable complaint is made or against whom there exists reasonable suspicion of his having committed an offence for which a warrant may issue or who may be found with stolen goods in his possession.

56. A Police Officer or other person may, without warrant, arrest a proclaimed offender, or a person against whom a hue and cry has been raised of his having been concerned in an offence.

57. If a person liable to arrest without warrant under the foregoing rules, shall enter into and conceal himself in a dwelling house, the person authorized to make the arrest shall take such precautions as may be necessary to prevent the escape of the accused, and send immediate information to the Magistrate or Head Officer of the Police Division, but no house shall be broken into for the purpose of arresting any person without a warrant.

58. A Police Officer may, of his own authority, interpose for the suppression of a breach of the peace, or prevention of a breach of the peace committed or attempted to be committed in his view; and in the event of disobedience or resistance may, without warrant, arrest the offender.

59. A Police Officer may apprehend any person who obstructs him while in the execution of his duty, and carry him before the Magistrate, or before the Head Officer of the Police Division.

60. A Police Officer or other person, having arrested a person for an offence, shall take or send him before the Magistrate or the Head Officer of the Police Division without unnecessary delay.

61. Where any offence is committed in the presence of any Magistrate or other Officer authorized to issue a warrant, he may order any person to arrest the offender, and may thereupon commit him to custody or, at his discretion, where the offence is bailable, may admit him to bail.

## CHAPTER VI.

### OF ESCAPE AND RE-TAKING.

62. If a person lawfully arrested on any Criminal process shall escape or be rescued, it shall be lawful for the person from whose custody such prisoner so escaped or was rescued, to make

fresh pursuit, and re-take him in any place, either within or without the jurisdiction where he was so in custody, and to deal with him as he might have done on an original taking.

63. In order to re-take any person, within the meaning of the last preceding Section, the person so making fresh pursuit as is therein described may adopt the same measures as he might have done on the original taking.

## CHAPTER VII.

### OF SEARCH WARRANT.

64. Whenever a Magistrate or other Officer having jurisdiction in respect of an offence supposed to have been committed, shall consider that the production of any thing will be essential to the conduct of an enquiry into such offence, he may grant his warrant to search for such thing; and it shall be lawful for the Officer charged with the execution of such warrant to search for such thing in any dwelling or place. In such case the Magistrate shall, if he think right, specify in his warrant the dwelling or place, or part thereof, to which only the search shall extend.

65. The Magistrate or other Officer shall direct his warrant to the Head Officer of a Police Station within whose jurisdiction the dwelling or place to be searched is situate, or to any other Police Officer to whom the Magistrate or other Officer may think fit to commit the execution of that duty. A warrant directed to a Head Officer of a Police Station may, in the event of such Officer not being able to proceed in person, be executed by any Officer subordinate to such Head Officer above the rank of a peon or burkundaz.

66. Whenever it may be necessary for a search warrant to be executed out of the jurisdiction of the Magistrate or other Officer issuing the warrant, the Magistrate or other Officer of the jurisdiction within which the warrant is to be executed shall endorse his name on the warrant which shall be sufficient authority for the person charged with the execution of such warrant to execute the same, or the search warrant may be directed to the Magistrate or other Officer within whose jurisdiction the search is to be made, and such Magistrate or other Officer shall thereupon endorse his name on such warrant and enforce its execution in the same manner as if the warrant had been issued by himself.

67. Provided that in any case of emergency a Magistrate or other Officer may grant his warrant for the search of any thing concealed, or supposed to be concealed, in a dwelling or place out of his jurisdiction, and may direct that it be executed without

obtaining the endorsement of a Magistrate or other Officer within whose jurisdiction the search is to be made. When a Magistrate or other Officer grants a warrant under this Section, he shall inform the Magistrate or other Officer of the district in which the dwelling or place to be searched is situate.

68. If the door of the dwelling or place be shut, the person charged with the execution of the warrant may proceed to break open the door, if, after notification of his authority and purpose, and demand of admittance duly made, he cannot otherwise obtain admittance.

69. If the place ordered to be searched is a zenanah or female apartment in the actual occupancy of women, the Officer charged with the execution of the warrant shall give notice to any women in the zenanah that they are at liberty to withdraw; and, after giving such notice, and allowing a reasonable time for the women to withdraw, such Officer may enter the zenanah for the purpose of completing the search, using at the same time every precaution consistent with these provisions for preventing the clandestine removal of property.

70. The search is to be made in the presence of two or more respectable inhabitants of the place in which the dwelling or place searched may be situate, and such persons shall subscribe their names to the report made to the Magistrate or other Officer; but such persons shall not be required to attend as witnesses unless specially summoned by order of the Magistrate or other Officer. The occupant of the house, or some person in his behalf, shall in every instance be permitted to attend during the search.

71. All property claimed as having been stolen, as well as all property suspected to have been stolen which is found on persons accused of robbery or theft or which is seized by Police Officers under suspicious circumstances, as also anything the production of which is essential to the conduct of an enquiry into an offence, shall be forwarded without delay, together with a list to the Magistrate.

72. If a Magistrate, upon information and after such enquiry as he may think necessary, has reason to believe that any house, room, or other place is used as a place of deposit or sale or as a place for the manufacture of forged documents or counterfeit Government stamps or counterfeit coin, or that any forged documents or counterfeit stamps or false seals or any counterfeit coin or instruments used for counterfeiting coin, are kept or deposited in any house, room, or other place, he may by his warrant authorize any Officer of Police above the rank of a peon or burkundaz to enter, with such assistance as may be found necessary, by night or

by day, and by force if necessary, any such house, room, or other place, and to search in manner aforesaid all such parts of the same as shall be specified in the warrant, and to seize and take possession of all documents, stamps, seals, or coins therein found which he may reasonably suspect to be forged, false, or counterfeit, and also of all such instruments as aforesaid.

## CHAPTER VIII.

### PRELIMINARY ENQUIRY BY THE POLICE.

73. The Head Officer of a Police Station may take cognizance, without orders from the Magistrate, of any of the undermentioned offences punishable under the Penal Code, namely:

Chapter VII, Offences relating to the Army and Navy.

Chapter VIII, Offences against the public tranquillity, except the offences described in Sections 14 and 15.

Chapter IX, the offences by or relating to public servants described in Sections 10 and 12.

Chapter X, contempts of the lawful authority of public servants so far as regards offences committed in contempt of his own authority.

Chapter XI, the offences against public justice described in Sections 21, 24, 32, 34, 36, and 37.

Chapter XII, offences relating to Coin and Government Stamps, except the offences described in Sections 32, 33, 34, and 35.

Chapter XIII, offences relating to Weights and Measures.

Chapter XIV, the offences affecting the public health, safety, convenience, decency, and morals described in Sections 2, 3, 10, 11, 12, 13, 14, 15, 17, 18, 20, 21, 24, 25, and 26.

Chapter XV, the offences relating to Religion, described in Sections 1, 2, and 3.

Chapter XVI, offences affecting the Human Body, except the offences described in Section 14, 15, 16, 17, 18, 47, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, and 63.

Chapter XVII, offences against property, except the offences described in Sections 5, 6, 7, 8, 9, 10, 11, 25, 26, 27, 28, 29, 30, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, and 52.

74. Police Officers shall not without express orders from the Magistrate take cognizance of any offences punishable under the Penal Code other than those above described or under any special or local law. But it shall be competent to the Magistrate, upon the report of a

Police Officer or otherwise, to direct enquiry to be made by the Officers of Police into any offence punishable under the Penal Code or under any special or local law.

75. Upon complaint or information being preferred to a Head Officer of a Police Station of the commission within his jurisdiction of any offence of which such Officer is empowered to take cognizance, he shall proceed in person, or depute one of his Subordinate Officers to proceed to the spot to enquire into the facts and circumstances of the case, and to take such measures as may be necessary for the discovery or apprehension of the offenders.

Upon complaint preferred, Head Officer to proceed in person or depute a Subordinate Officer to make enquiry.

76. Provided that when complaint is made against any person by name and the case is not of a serious nature, it shall not be incumbent on the Head Officer of a Police Station to proceed in person or to depute a Subordinate Officer to make an enquiry on the spot unless such local enquiry shall appear to be necessary.

Except in cases of a trivial nature where local enquiry not necessary.

77. Every complaint on information preferred to a Head Officer of a Police Station shall be reduced to writing and entered in the Diary kept by such Officer.

Complaint &c. to be in writing.

78. A Head Officer of a Police Station may issue a warrant for the arrest of any person who is accused or against whom there may be reasonable ground of suspicion of having been concerned in the commission of any offence of which such Officer is empowered to take cognizance, and the provisions respecting warrants contained in Chapters IV and V shall be applicable to warrants issued by such Officers.

Issue of warrant by Head Officer.

79. The Head Officer of a Police Station may also issue summonses for the attendance of any persons who from the statement of the complainant or otherwise appear to be acquainted with the facts and circumstances of the case.

Witnesses to be summoned.

80. The provisions in Chapter VII respecting search warrants, shall be applicable to search warrants issued by a Head Officer of a Police Station.

Issue of Search Warrants by Head Officer.

81. Whenever a Head Officer of a Police Station shall consider that the production of any thing will be essential to the conduct of an enquiry into any offence which he is authorized to enquire into, he may grant his warrant to search for such thing in any dwelling or place within his division which shall be specified in his warrant; and it shall be lawful for the Officer legally charged with the execution of such warrant to search for such thing in such dwelling or place.

Search warrant when grantable by a Head Officer of Police.

82. The Head Officer shall, if practicable, conduct the search in person; but if unable to proceed in person, shall direct his warrant to any Police Officer of his division above the rank of a peon or burkundaz.

How to be executed.

83. A Head Officer of a Police Station may require the Head Officer of another Police Station, whether subject to the same Magistrate as himself or to the Magistrate of any other district, to issue a search warrant in any case in which he may issue such warrant himself.

When a Head Officer may require a Head Officer of another division to issue a search warrant.

84. It shall be lawful for the Head or other Officer of Police to pursue persons accused of the offences described in Section 73 into the jurisdiction of another Head Officer of a Police Station whether subject to the same Magistrate as himself or to the Magistrate of any other district, whether such place be within the same Presidency or under the same local Government or not.

Police may pursue offenders into other jurisdictions.

85. The examination of witnesses by the Police shall be taken on the spot where the enquiry is held in the presence of the Head Officer of a Police Station, or in the event of his absence, in the presence of any Officer above the rank of a peon or burkundaz. It shall be lawful for the Head or other Officer of Police to examine orally any person who is supposed to be acquainted with the facts and circumstances of the case: but the statement made by the person so examined shall not be signed by him or treated as part of the record or forwarded or used as evidence. Provided that nothing in this Section shall preclude such Head or other Officer of Police from reducing to writing the statement made by any witness.

Oral examination of witnesses by Police.

86. No Police Officer or other person shall offer any inducement to an accused person by threat or promise or otherwise to make any disclosure or confession.

No inducement to be offered to accused persons to confess.

87. It shall not be competent to a Head or other Officer of Police to record any admission or confession of guilt which may be made before him by a person accused of a Criminal offence. Provided that nothing herein contained shall preclude any such Officer from reducing any such admission or confession to writing for his own information or guidance.

Police Officer not to record confession.

Proviso.

88. No confession or admission of guilt made to a Head or other Officer of Police shall be used as evidence against a person accused of any Criminal offence.

Confession made to Police Officer shall not be used as evidence.

89. No confession or admission of guilt made by any person accused of a Criminal offence whilst such person is in the custody of the Police shall be used as evidence against the prisoner.

*Confession made while the accused is in custody of the Police shall not be used as evidence.*

90. When any fact is deposed to by a Police Officer as discovered by him in consequence of information received from a person accused of any Criminal offence, then so much of such information, whether it amounts to a confession or admission or not, as relates distinctly to the fact discovered by it, may be given in evidence.

*Police Officer may give in evidence so much of any statement or confession made by the accused as relates distinctly to a fact thereby discovered.*

91. The Head or other Officer of Police shall complete the enquiry with as little delay as possible. If the person arrested appears, from the information obtained, to have committed the offence charged, and the offence is not bailable, he shall be forwarded under custody to the Magistrate, and the Head or other Officer of Police shall bind over the prosecutor and witnesses to appear on or before a fixed day before the Magistrate. But when in any case a subordinate Officer of Police has made the enquiry, he may be required by the Head Officer of Police to submit his proceedings to him, or may do so without such instructions, and the Head Officer shall then proceed as if he had made the enquiry himself.

*Enquiry by the Police.*

92. Provided that it shall not be lawful for the Head or other Officer of Police to detain the accused in custody, without the special orders of the Magistrate, for a longer period than under all the circumstances of the case is reasonable, such period in no case to exceed forty-eight hours. If the enquiry has not been completed within forty-eight hours, the Head or other Officer of Police, on his being satisfied that there are grounds for believing that the accusation is well founded, shall nevertheless forward the accused to the Magistrate with a short despatch stating the offence for which the accused has been arrested.

*Accused not to be detained by the Police beyond 48 hours without special authority.*

93. If it shall appear to the Head or other Officer of Police that there is not sufficient evidence or reasonable ground of suspicion to warrant the transmission of the accused to the Magistrate, he shall release the accused on bail, or on his own recognizance, to appear when required, and submit his proceedings for the orders of the Magistrate.

*Head Officer how to proceed in cases of deficient evidence.*

94. In all cases the Head or other Officer of Police shall day by day record his proceedings by way of diary setting forth the time at which the complaint or other information reached him, the time at which he began and closed his enquiry, the place or places visited by him, and a brief statement of the circumstances elicited by his investigation, and shall forward day by day a copy of such record to the Magistrate.

*Daily record of proceedings.*

95. In all cases, in submitting his proceedings to the Magistrate, the Head or other Officer of Police shall forward the statement of the person complaining,

*Proceedings of the Head Officer of what to consist.*

with a brief report of the names of the parties, the nature of the complaint, and the names of the witnesses, without any expression of opinion as to the guilt of the accused, and shall also transmit any weapon or property which it may be necessary to produce before the Magistrate. The Officer shall state in his report whether he has forwarded the accused in custody, or released him on bail or on his own recognizance.

96. If on any complaint or information being preferred to a Head Officer of a Police Station, it shall appear to such Officer that there is no sufficient ground for entering on an enquiry, or that the immediate apprehension of the accused is not necessary for the ends of justice, he shall abstain from issuing process or otherwise proceeding in the case and shall report the substance of the complaint or information for the orders of the Magistrate.

*If Head Officer see no sufficient ground for an enquiry.*

97. Persons accused of the commission of any of the offences entered as not bailable in the third column of the Schedule\* of offences hereto annexed, shall not be admitted to bail, if there appear reasonable grounds for believing that such persons have been guilty of the offence imputed to them; but in all cases of persons accused of any other offences, if sufficient bail be tendered for appearance before the Magistrate, the Head Officer of a Police Station shall accept such bail, and release the party apprehended.

98. In cases of manifest necessity, when the Head Officer of a Police Station may be apprehensive of danger to the public peace by the enlargement of a person arrested for rioting or other bailable offence, without security being taken for his peaceable conduct, the person so arrested shall be required, in addition to the bail for his appearance, to furnish security for keeping the peace until the time of such appearance; and the surety or sureties shall execute a recognizance in an amount to be regulated by the circumstances of the case and the condition of the person executing the same. In default of his furnishing the required security, the accused shall be forwarded under custody to the Magistrate.

*When security for keeping the peace to be required.*

99. The Officers of Police shall report to the Magistrate the cases of all persons apprehended within their respective jurisdictions whether such persons may have been admitted to bail or otherwise; and no person who has been apprehended shall be discharged except on bail, or on his own recognizance, or under the special order of the Magistrate.

*Police to report all apprehensions.*

100. The bail to be taken for appearance before the Magistrate, in pursuance of Section 97, shall not be excessive; and the surety or sureties shall bind himself or themselves under a specific penalty to produce the defendant before the Magistrate on or before a fixed day, to answer the complaint.

*Bail not to be excessive. Terms of security.*

\* See Schedule annexed to the Bill as published in the Gazette of the 11th March 1857.



101. Prosecutors and witnesses, whose attendance may be necessary at the Criminal Courts, shall execute recognizances before the Police Officers, to appear before the Magistrate on a specific day, which shall be the day whereon the accused may be bound to appear if he shall have been admitted to bail, or on the day on which he may be expected to arrive at the Magistrate's place of residence if he is to be forwarded under custody. The Police Officer in whose presence the recognizance may be executed shall forward it with his report to the Magistrate, and shall deliver to the prosecutor or witness a despatch which the prosecutor or witness shall be required to deliver in person to the Magistrate or the Nazir of his Court, unaccompanied by any Officer of Police.

102. The Police Officers shall not subject any prosecutor or witness to restraint or unnecessary inconvenience, nor require them to give any other security for their appearance than their own recognizances; but if any prosecutor or witness shall refuse to attend, or to execute the recognizance directed in the last preceding Section, it shall be competent to the Head Officer to forward such prosecutor or witness under custody to the Magistrate, who may detain such prosecutor or witness in custody until he shall execute such recognizance or until the hearing before the Magistrate.

103. It shall be the duty of the Head Officer of a Police Station, on receiving notice or information of the unnatural or sudden death of any person, immediately to proceed to the place where the body of such deceased person is, and there in the presence of two or more respectable inhabitants of the neighbourhood to make enquiry and report the apparent cause of death, describing any marks of violence which may be found on the body and stating in what manner or by what weapon or instrument they appear to have been inflicted. The report shall be signed by such Police Officer and other persons or by so many of them as shall concur therein, and shall thereupon be forthwith forwarded to the Magistrate. Where there may be any doubt regarding the cause of death, such Police Officer shall forward the body to the Magistrate with a view to its being examined by the Civil Surgeon, if the state of the weather and distance from the Magistrate's Court will admit of its being so forwarded without risk of putrefaction on the road. In the Presidencies of Madras and Bombay it shall be the duty of the Head of the Village in like manner to make enquiry and report as aforesaid, unless the Head Officer of a Police Station shall himself make enquiry and report.

104. The powers to be exercised by the Head Officer of a Police Station under the foregoing rules shall be exercised in the event of his absence or illness by the Head Police Officer present at the Police Station above the rank of a peon or burkundaz.

105. All processes in Criminal cases cognizable by the Police Officers shall be served by the peons or burkundazes at the Police Station, without any charge to the parties or witnesses.

106. The word "Magistrate" as used in this Chapter shall include any Deputy Magistrate placed in immediate charge of a division and authorized to receive cases without reference from the Magistrate.

## CHAPTER IX.

### OF CONTEMPTS AND DISOBEDIENCE OF ORDERS.

107. When any such offence as is described in Section 39 of Chapter XI of the Penal Code is committed in contempt of the lawful authority of any Court, Civil or Criminal, it shall be competent to such Court to take cognizance of the same and to adjudge the offender to punishment as authorized by the said Section.

108. When any of the offences described in Chapter X of the Penal Code is committed in contempt of the lawful authority of any Court, Civil or Criminal, it shall be competent to such Court to take cognizance of the same, and to adjudge the offender to punishment as authorized by the Section applicable thereto. Where a person has been sentenced to punishment under the provisions of this Section for refusing or omitting to do anything which he was required to do, it shall be competent to the Court to remit the punishment on the submission of the offender to the order or requisition of such Court.

109. Provided that, in fixing the measure of punishment for any of the offences referred to in the last two preceding Sections, no Magistrate or Deputy Magistrate shall exceed his ordinary powers of punishment, and that no Civil Court subordinate to the Chief Civil Court of the District shall adjudge a heavier punishment than fine to the amount of one hundred Rupees, or imprisonment for a period of three months.

## CHAPTER X.

### PROSECUTIONS IN CERTAIN CASES.

110. Charges of offences punishable under Chapter VI of the Penal Code shall not be entertained by any Court unless the prosecution be instituted by order of, or under authority from, the Governor General in Council, or the Governor in Council of any Presidency, or by order of, or under authority from, a public Officer empowered by the Governor General in Council to direct or authorize such prosecution, or unless instituted by the Advocate General.



111. In cases of contempt of the lawful authority of public servants, and other offences against public servants as such, described in Chapter X of the Penal Code, except the offence described in Section 26 of the Chapter, prosecutions shall not be instituted in the Criminal Courts but with the sanction of the public servants concerned, or if they are inferior ministerial servants, with the sanction of their official superiors.

112. In cases of offences against public justice, described in Sections 3, 4, 5, 6, 9, 10, 16, 17, 19, 20, and 39, of Chapter XI of the Penal Code, no prosecution shall be instituted in the Criminal Courts but with the sanction of the Civil or Criminal Court before or against which such offence was committed, or of some other Court to which such Court is subordinate. Except in the case of the offence of fraudulently obtaining a decree as described in Section 19 of Chapter XI of the said Code, such sanction may be given at any time, either before or after the determination of the case in which the offence was committed:

113. In cases of offences relating to documents described in Sections 1, 10, 14, and 15 Chapter XVIII of the Penal Code, when the document shall have been given in evidence in any proceedings in any Court, Civil or Criminal, no prosecutions shall be instituted in the Criminal Courts by a party to such proceedings, but with the sanction of the Court in which the document was given in evidence, or of some other Court to which such Court is subordinate.

114. When any Court, Civil or Criminal, is of opinion that there is sufficient ground for bringing any person to trial on a charge of any of the offences referred to in the last three preceding Sections, the Court, after making such preliminary enquiry as may be necessary, may send the case for investigation to the Magistrate, who shall proceed to inquire into the case, and pass such orders thereon as he may deem proper.

115. Provided that it shall be competent to a Court of Session to charge a person for any such offences committed before it or under its own cognizance, and to try such person upon its own charge. Provided also that in any case triable by the Court of Session, it shall be lawful for any Court of Civil Judicature, before which the offence was committed, instead of sending the case for investigation to the Magistrate, to complete the investigation itself and to direct the commitment of the accused person to the Court of Session.

116. When any such commitment is made by order of a Court of Civil justice, the Court shall frame a charge in the manner hereinafter provided, and shall transmit the same with the order

of commitment and the record of the case to the Magistrate, and the Magistrate shall bring the case before the Court of Session in like manner as if the preliminary enquiry had been made by himself.

## CHAPTER XI.

### OF PRELIMINARY ENQUIRY BY THE MAGISTRATE IN CASES TRIABLE BY THE COURT OF SESSION.

#### *Complaint and issuing of Process for causing the Attendance of the Accused.*

117. In all cases where a complaint shall be made before a Magistrate having jurisdiction, that any person has committed, or is suspected to have committed, any of the offences specified in the Schedule as triable exclusively by the Court of Session, or which in the opinion of the Magistrate is one that ought to be tried by the Court of Session, it shall be lawful for such Magistrate to issue his warrant to apprehend such person; provided always that in all cases it shall be lawful for the Magistrate to whom such complaint shall be made, if he shall so think fit, instead of issuing in the first instance his warrant to apprehend the person so complained against, to issue his summons requiring him to appear to answer to such complaint.

118. If the Magistrate see cause to distrust the truth of the complaint, he may postpone the issuing of process for causing the attendance of the accused, and direct a previous enquiry to be made into the complaint, either by means of his Assistant or of any Deputy Magistrate or of the local Police Officers, or in such other mode as he shall judge most proper, for the purpose of ascertaining the truth or falsehood of the complainant's allegations. If the result of the enquiry shall lead the Magistrate to believe that the charge is well founded, and the offence is of the nature described in Section 117, it shall be lawful for him to issue his warrant or summons as therein directed; provided that nothing herein contained shall prevent the Magistrate from at once dismissing the complaint, if in his judgment there be no sufficient ground for proceeding with it.

119. It shall be in the discretion of the Magistrate in issuing his warrant for the arrest of any party against whom a complaint has been made, to direct that if such party be willing and ready to give bail in a sum to be fixed by the Magistrate for his appearance before the Magistrate on a specified day to answer the complaint, the Officer to whom the warrant is directed shall accept such bail, and shall release the party from custody. In the event of bail being given, the Officer shall forward the recognizance to the Magistrate.

120. The Magistrate may, if he sees sufficient cause, dispense with the personal attendance of the party complained against, and permit him to appear by an agent duly authorized to act in his behalf. Provided that it shall be in the discretion

of the Magistrate, at any stage of the proceedings, to direct the personal attendance of such party.

121. Nothing contained in the last four preceding Sections shall be held to restrain the Magistrate from issuing his warrant for the apprehension, or his summons for the appearance of any person who is known or suspected to have committed any such offence as aforesaid, although no formal complaint shall have been laid against such person.

122. Where any such person as is mentioned in Section 42 and Section 43 shall be apprehended out of the jurisdiction of the Magistrate granting the warrant against him, and carried before the Magistrate who endorsed such warrant, the Magistrate before whom such person shall be brought, in case the offence for which such person shall be apprehended shall be bailable in law and such person shall be willing and ready to give bail for his appearance on a specified date before the Magistrate granting the warrant, shall take bail of such person for his appearance before the Magistrate granting the warrant, release the person from custody, and forward the recognizance to the Magistrate granting the warrant.

123. If any person accused of an offence absconds or conceals himself, so that upon a warrant issued against him by a Magistrate he cannot be found, the Magistrate shall, on proof that such person absconds or conceals himself for the purpose of avoiding the service of the process, cause a written proclamation requiring such person to appear to answer the complaint within a fixed period, not less than thirty days, to be publicly read and proclaimed by beat of drum, and shall cause such proclamation to be affixed in some conspicuous part of his Court, as well on the entrance door of the house in which the party has usually dwelt, or some conspicuous place in the town or village in which he has usually resided, and may at the same time order the attachment of any moveable or immoveable property held within his jurisdiction by the party absconding or concealing himself. The attachment under this Section shall, if the property ordered to be attached be land paying revenue to Government, be made through the Collector of the district in which the land is situate; and in all other cases either by actual seizure by an Officer of the Magistrate's Court, or by the appointment of a manager and receiver, or by an order prohibiting the payment of rents to the absent party, as the Magistrate shall deem proper under the circumstances of each case. If the absent party shall not appear within the time specified in the proclamation, the property under attachment shall be declared forfeited to Government.

124. In case any person whose property shall have been declared forfeited to Government under the last preceding Section shall within one year after the attachment of his property surrender himself, and shall upon trial before a competent Court prove to the satisfaction of such Court that he did not abscond or conceal himself for the purpose of evading justice,

his property or the proceeds thereof shall be restored to him.

#### *Summoning, &c., of Witnesses.*

125. The Magistrate shall ascertain from the complainant, or otherwise, the names of any persons who may be acquainted with the facts and circumstances of the case, and are likely to give material evidence for the prosecution, and shall issue his summons to such persons, under his hand and seal, requiring them to appear at a time and place mentioned in the summons before the said Magistrate, to testify what they know concerning the complaint made against the accused party.

126. If any person so summoned shall neglect or refuse to appear at the time and place appointed by the summons, and no just excuse shall be offered for such neglect or refusal, then upon proof of such summons having been served upon such person, either personally or by leaving the same for him with some adult member of his family, it shall be lawful for the Magistrate to issue a warrant, under his hand and seal, to bring such person before him to testify as aforesaid; and, if necessary, such warrant may be backed by the Magistrate of another district, in order to its being executed out of the jurisdiction of the Magistrate who shall have issued the same.

127. If the Magistrate shall be satisfied by evidence before him that it is probable that such person will not attend to give evidence without being compelled so to do, then, instead of issuing such summons, it shall be lawful for the Magistrate to issue his warrant in the first instance, which, if necessary, may be backed as aforesaid.

128. If the warrant cannot be served and the Magistrate is satisfied that the witness absconds or conceals himself for the purpose of avoiding the service thereof, the Magistrate may cause a proclamation requiring the attendance of such person to give evidence at a time and place to be named therein, to be affixed in some conspicuous place upon his house or place of abode, and if such person shall not attend at the time and place named in such proclamation, the Magistrate may order the attachment of the moveable and immoveable property of such person, to such amount as he shall deem reasonable, not being in excess of the amount of costs of attachment and of any fine to which the person may be liable under the provisions of the following Section.

129. If on the attachment of the property the witness shall appear and satisfy the Magistrate that he did not abscond or conceal himself for the purpose of avoiding the service of the warrant, and that he had not notice of the proclamation in time to attend at the time and place named therein, the Magistrate shall direct that the property be released from attachment, and shall make such order in regard to the costs of the attachment as he shall deem fit. If such witness shall not appear, or appearing, shall fail to satisfy the Magistrate that he did not abscond or conceal himself for the purpose of avoiding the

If he do not appear or satisfy Magistrate, property to be sold.

service of the warrant and that he had not such notice of the proclamation as aforesaid, it shall be lawful for the Magistrate to order the property attached, or any part thereof, to be sold for the purpose of satisfying all costs incurred in consequence of such attachment, together with the amount of any fine which the Magistrate may impose upon such witness under the provisions of Section 4 of Chapter X of the Penal Code. If the witness shall pay to the Magistrate the costs and fine as aforesaid, the Magistrate shall order the property to be released from attachment.

130. If any person summoned or brought before a Magistrate shall refuse to answer such questions as shall then be put to him, without offering any just excuse for such refusal, the Magistrate may, by warrant under his hand and seal, commit the person refusing, to custody for any term not exceeding seven days, unless he shall in the meantime consent to be examined and to answer, after which, in the event of his persisting in his refusal, he may be dealt with according to the provisions of Section 108 or Section 114.

*Examination of Parties and Evidence.*

131. When a case is brought before a Magistrate, whether on complaint or on the report of a Police Officer or otherwise, in which a person is charged with an offence which is triable exclusively by the Court of Session, or which in the opinion of the Magistrate is one that ought to be tried by the Court of Session, the Magistrate shall take the evidence of the complainant, and of such persons as are stated to have any knowledge of the facts which form the subject matter of the accusation and the attendant circumstances.

132. The complainant and the witnesses for the prosecution shall be examined in the presence of the accused person or of his Agent when his personal attendance is dispensed with and he appears by Agent who shall be permitted to cross-examine them.

133. The evidence of each witness shall be taken down in writing in the language in ordinary use in proceedings before the Court by or in the presence and hearing and under the personal direction and superintendence of the Magistrate, not ordinarily in the form of question and answer, but in that of a narrative, and when completed shall be read over to the witness in the presence of the person accused if in attendance, and shall, if necessary, be corrected, and shall be signed by the Magistrate. If the evidence be taken down in a different language from that in which it has been given, and the witness does not understand the language in which it is taken down, the witness may require his deposition as taken down in writing to be interpreted to him in the language in which it was given. When the evidence of a witness is given in English the Magistrate may so take it down in his own hand. It shall be in the discretion of the Magistrate to take down or cause to be taken down any particular question and answer, if there shall appear any special reason for so doing, or any person who is a prosecutor or a person accused shall require it.

The Magistrate shall record such remarks as he may think material respecting the demeanor of any witness while under examination. In cases in which the evidence is not taken down in writing by the Magistrate himself, he shall be bound, as the examination of each witness proceeds, to make a memorandum of the substance of what such witness deposes, and such memorandum shall be written and signed by the Magistrate with his own hand, and shall form part of the record. If the Magistrate shall be prevented from making a memorandum as above required, he shall record the reason of his inability to do so.

134. It shall be in the discretion of the Magistrate at any stage of the proceedings to summon and examine any person whose evidence he may consider essential to the enquiry.

135. It shall be in the discretion of the Magistrate to examine the accused person at any stage of the enquiry, and to put such questions to him from time to time as he may consider necessary, until the enquiry before the Magistrate is completed.

136. If the accused person shall of his own accord propose to confess the commission by him of the offence of which he is accused, the Magistrate shall require him to give an account of the facts and circumstances in detail, and shall examine him thereupon to test the consistency of his relation, in the same manner as if he were a witness.

137. No influence, by means of any promise or threat, shall be used to the accused person under examination to induce him to disclose or withhold any matter within his knowledge.

138. The examination of the accused person, including every question put to him and every answer given by him, shall be recorded in full, and shall be shown or read to him, and he shall be at liberty to explain or add to his answers; and when the whole is made conformable to what he declares is the truth, the examination shall be attested by the signature of the Magistrate, who shall certify under his own hand that it was taken in his presence and in his hearing, and contains accurately the whole of the statement made by the accused person.

139. Any person attending, although otherwise than upon an arrest or summons on a charge made, may be detained by the Magistrate for the purpose of examination, for any offence which from the evidence he may appear to have committed, and proceeded against as though he had been summoned on a charge made.

140. It shall be at the discretion of the Magistrate to summon and examine any witness that may be offered in behalf of the accused person to answer or disprove the evidence against him.

141. The provisions of Sections 126, 127, 130, and 133 shall be applicable to witnesses named in support of the defence.